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THE DEMOCRATIC MONARCHIES
OF SCANDINAVIA

THE GOVERNMENTS OF EUROPE



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THE DEMOCRATIC MONARCHIES OF SCANDINAVIA (2nd Ed.)

BY BEN A. ARNESON

Ohio Wesleyan University



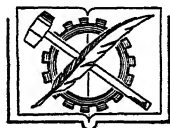
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The Democratic Monarchies of SCANDINAVIA

by

BEN A. ARNESON

SECOND EDITION



1949

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TO MY WIFE

PREFACE TO SECOND EDITION

The decade which has elapsed since the publication of the first edition has been one of world-shaking events. That the three Scandinavian countries located geographically in the midst of war's turmoils, two of them actually occupied for five years by the Nazis, should today have fundamentally the same democratic philosophy and in most details the same governmental structure as that of ten years ago is not only evidence of the stability of the Scandinavian peoples but is also a striking manifestation of the lasting quality of democracy itself.

The minor changes in the organization and functions of these governments, however, are numerous and have necessitated minor revisions of every chapter, in fact of most pages. The only important change in the translation of Scandinavian terms is the substitution of the word "governor" for the term "prefect" in referring to the chief official of the largest subdivision in each country—the *Amtmand* at the head of the Danish *Amt*, the *fylkesmann* in charge of the Norwegian *fylke*, and the *landshövding*, the chief executive of the Swedish *län*. The change in terminology seems advisable in view of the fact that the term "governor" is widely used in the literature of the field. Chapter Eight of the original edition has been replaced by two chapters, one dealing with labor problems in particular and the other dealing with modern social problems in general.

Assistance with the multitudinous details as well as with the more general statements involved in the revision has been generously given by many well-qualified persons. In connection with the material on Danish government and politics Mr. Hans Bertelsen, counselor of the Danish

Embassy in Washington, Mr. Povl Bang-Jensen, former counselor of the Embassy, and Mr. C. H. W. Hasselriis of the Danish Information Office, New York, have all been very helpful in furnishing material and in checking the manuscript. On the portions of the volume dealing with Norway, many very helpful suggestions have been made by Mr. Hans Olav, counselor of the Norwegian Embassy in Washington, by Mr. Einer-Frederik Ofstad, Norwegian vice consul in Chicago, and by Mr. Ivan A. Jacobsen, editor, *Norway Digest*, Norwegian Information Service, New York. In the field of Swedish government and politics the author has been especially fortunate in being able to consult Professor Gunnar Heckscher of Stockholm, Sweden, who was a member of the University of Chicago faculty during the summer of 1948. His suggestions and criticisms have been most valuable. Portions of the manuscript were checked by Mr. E. Braunerhielm, attaché at the Swedish Embassy in Washington. From Mr. Torsten Brandel, Swedish consul general in Chicago, and from Mr. Allan Kastrup of the American-Swedish News Exchange, New York, much useful and up-to-date literature, both source and secondary material, has been received. To his wife, Elsie Baade Arneson, the author is indebted for many useful suggestions and for assistance in checking the manuscript. To his daughter, Esther M. Arneson, he is also indebted for assistance in preparing the index and in reading proof. The meticulous care with which Mrs. James A. Bargar has watched for errors and omissions in the mechanical completion of the revision is also greatly appreciated. Any errors, however, are the responsibility solely of the author.

B. A. A.

Delaware, Ohio
September 22, 1948

PREFACE TO FIRST EDITION

While this volume is intended primarily for the use of students in political science, who desire to acquaint themselves with the details concerning the efficient governments of Scandinavia, it is hoped that the materials herein contained will be of some interest and value to the general reader. It is also hoped that the large number of Americans of Scandinavian ancestry will be interested in studying the "new" things which are being done in the "old" countries.

While no one has a right to insist that our American democracy should imitate in detail the democracies of Scandinavia, it would be entirely in order to say that these systems should be carefully studied by all those who are trying to bring to any people the best in modern legislation and administration.

To condense into one small volume the salient features of three vital and actively functioning governmental systems has been very difficult. Much as the author has been tempted to make them, running comments, rather than essential factual material, have been omitted. Any failure to stress the economic and general social backgrounds in describing the Scandinavian scene is due to limitations of space, for the great importance of these factors is clearly recognized.

The translation of many terms, especially the names of local districts and officials and of certain administrative agencies, has not always been easy, because many of these names are distinctly Scandinavian in origin and history. Whenever possible the translation used in English material published by the respective Scandinavian governments has been employed. An exception to this is in the case of

the title of the chief official of the largest subdivision in each country—the *Amtmand* at the head of the Danish *Amt*, the *fylkesmann* in charge of the Norwegian *fylke*, and the *landshövding*, the chief executive of the Swedish *län*. Often each of these has been translated by the term “governor,” but in this volume the term “prefect” is used. This usage seems entirely justifiable. The American student of political science will clearly recognize each of these officials as bearing a much closer resemblance to the French prefect than to the American governor. In using the word *krone* (pl. *kroner*), the Danish spelling is regularly employed regardless of the country under discussion. In this volume the practice has been followed of alluding to and discussing the three countries in alphabetical order.

The author is grateful for the invaluable assistance given him by the Washington legations of Denmark, Norway, and Sweden, respectively. The entire staff of each legation has been untiring in searching for material and in giving aid generally. His Excellency, Mr. Otto Wadsted, Minister from Denmark, has been especially helpful in connection with the constitutional history of his country. Mr. Wilhelm Eickhoff, counselor, and Mr. A. Klemens Jonsson, attaché, at the Danish legation have made many valuable contributions. At the Norwegian legation, Mr. Jörgen Galbe, counselor, Mr. Oluf Tostrup, secretary, and Mr. Ditlef Knudsen, attaché, have been of help in connection with practically every chapter. Mr. Tostrup has been most painstaking in checking on recent social legislation in Norway. To Mr. Carl A. Wästfelt, attaché of the Swedish legation, the author is indebted for constant guidance and assistance in connection with the government at Stockholm. Mr. Folke Wennerberg, counselor at the same legation has given valuable assistance at various times. Without the continuous contacts with these legations and the help secured through these contacts the gathering of the necessary material would have been much more difficult. For any errors which may appear, however, the author himself is solely responsible.

The Library of Congress has co-operated in every possible way, even to the extent of cabling for needed materials published abroad. All of this co-operation is gratefully acknowledged.

The author desires to express his appreciation to the administrative officers and members of the faculty of The American University, where he has been a visiting professor for two years, for their interest in this study and for their co-operation in providing secretarial assistance.

B. A. A.

The American University Campus
Washington, D. C.
July 20, 1938

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CHAPTER I

LAND AND PEOPLE

The three Scandinavian countries, Denmark, Norway, and Sweden, by virtue of their geographical contiguity, their marked linguistic similarities, their cultural homogeneity, their many common traditions, and their closely interwoven historical backgrounds, can most properly be grouped together for the purpose of any cultural study.¹ This is true particularly in the field of government and politics because of their common political heritage, the many striking similarities in their respective political structures and electoral systems, their common political philosophies, including a devotion to democratic ideals, and a common earnest desire to make democracy function in the modern world. To each of these countries the champions of the democratic ideal can point with pride, and can look with eager expectancy and reasonable confi-

¹ While Finland is sometimes classified as a Scandinavian country this is hardly justifiable. While it is true that Finland is a near neighbor and was, previous to 1809, for a long period a part of the Swedish Kingdom, and that in Finland as in Denmark, in Norway, and in Sweden the state church is Lutheran, the linguistic, racial, and cultural characteristics of Finland scarcely warrant its inclusion among the Scandinavian countries. Its language is entirely dissimilar; and in spite of the fact that 10 per cent of the population is of Swedish descent, its racial composition is distinctly foreign to the other three countries. Furthermore, its historical traditions, owing in part to its century under Russian rule, differ at many points from those of its Scandinavian neighbors. It should be added, however, and with emphasis, that its exclusion from the Scandinavian category is no indication that its history, politics, and culture generally are without great significance. From the standpoint of government and politics, for example, Finland has made most noteworthy contributions and is deserving of careful and worldwide attention.

dence for the continued success of popular government. Nowhere in the world does parliamentary government function better today than in Scandinavia. This is no doubt a direct result of the gradual and orderly processes through which it has evolved. Complete freedom of discussion coupled with an alert, intelligent, and literate electorate functioning by means of efficient election machinery is common to all of the three nations.

A striking similarity between the three countries relates to the position of the king. In *form* Denmark, Norway, and Sweden are constitutional monarchies. They are properly called kingdoms. In no modern European state does a king enjoy greater respect nor command deeper devotion than does Frederick IX in Denmark, Haakon VII in Norway, and Gustav V in Sweden. As in other democratic kingdoms, however, the actual governmental authority exercised by the king is of comparatively little significance. Partly through disuse of royal powers, partly through constitutional and statutory provisions, the parliament enjoys, subject to the written constitution, practically full sovereignty. There are, of course, certain exceptions and certain differences of detail in the three countries and these will be discussed in later chapters. The three Scandinavian monarchs are all in complete sympathy with the democratic ideals of their respective countries and as symbols of national unity and as stabilizing influences are significant factors in the development of popular and yet efficient governments.

Nationalism is a common attitude in these three democracies of the north. Each nation desires to be organically independent of the other and any merger or union of any or all of them is highly improbable. To the Danes the substitution of Scandinavian nationality for Danish would be most unwelcome and the same statement could be made about the Norwegians and the Swedes. At the same time there exists in each of the countries an attitude of mutual respect and confidence, a recognition of common culture and common interests, and a willingness to

co-operate which augurs well for the further development of that splendid type of international *esprit de corps* which is already in evidence.

No better illustration of the spirit of co-operation which exists among the Scandinavian countries can be found than in connection with the administration of social legislation. A citizen of any one of the countries residing in any of the others receives the same benefits in the form of relief, for example, as though he were not an alien. At the close of the fiscal year an accounting is made in which each state is credited with the amount paid to alien Scandinavians within its borders and is charged with amounts received by its citizens in other Scandinavian lands. On the basis of this accounting, settlements are made to balance the accounts.

The extradition of criminals and fugitives from justice is handled as expeditiously as though the three countries were one nation. Recognizing the value of eliminating artificial barriers to international trade the Scandinavian countries have made great advances in the matter of uniform laws for sales, contracts, and other commercial transactions.

The monetary systems are very similar—in each case the *krone* (Swedish *krona*) is the monetary unit—with an exchange value approximately that of the British shilling. In each country the system is a decimal one with one hundred *öre* making a *krone*.

There are several forces which draw the Scandinavians together. One of these is the close similarity of language. With the two exceptions of the English-speaking world and the Latin Americas there are no instances anywhere on the globe of three completely independent countries with such close linguistic bonds. To a foreigner studying the languages there seem to be marked differences because of variations in spelling and in pronunciation between the three countries, but any native of either of the countries can read the literature of the other two and carry on conversations with their respective citizens with very little

difficulty. The Danish and the Norwegian written languages were practically the same for centuries, but since the political separation of the two peoples, the Norwegians have to some extent developed a distinct orthography. As a matter of fact, the Norwegians themselves have engaged in a heated controversy over the question of their own language. A small minority favors the use of the Danish forms but the majority is divided as between the *Riksmaal*, a variant of the Danish, and the *Landsmaal*, which is greatly influenced by the Norwegian dialects, of which there are many. Either of these a Dane can read with comparative ease, and the Norwegian has no difficulty with modern Danish.

When we study the Swedish language we find some variations which make it to a degree distinct from the languages of Denmark and Norway. It could not be called a "foreign language" for with but little practice this language can be read by the Danes and the Norwegians. It is not uncommon when a Norwegian and a Swede converse for each to use his own language, which is understood by the other. The same is true of a Dane and a Swede. The *spoken* language of course varies in different localities. For example, a Norwegian who can read the Copenhagen newspapers with ease may find it necessary to accustom himself to the pronunciation used in the Danish capital before following the spoken word with facility. Nevertheless, it is entirely correct to say that the linguistic ties between the Scandinavian countries are of vital importance and the significance of what might be termed a common literature cannot be overlooked in evaluating unifying influences in Scandinavia.

It should be added, however, that the very closeness of this relationship has, paradoxically, resulted in certain nationalistic movements, represented in the inclinations to develop, if possible, certain distinctive natural linguistic forms. This is exemplified in Norway's desire to develop variations from the old Dano-Norwegian pattern. The change in the name of the Norwegian capital—from

Christiania of Danish origin to Oslo of early Norwegian origin—is an evidence of this nationalistic spirit. All three languages show strong linguistic resemblances to the English, German, and other languages of Teutonic origin.

Another unifying influence is the affiliation of an overwhelming number of Scandinavians with the Evangelical Lutheran Church, which represents the established religion of all three countries. In Norway 97 per cent of the population is Lutheran, in Denmark over 98 per cent; while in Sweden the total membership of all religious bodies not affiliated with the state church is less than one half of one per cent of the entire population. The Catholics with about 22,000 members in Denmark, about 300 in Norway, and 6500 in Sweden make up less than one fourth of one per cent of the entire populations and even in Denmark where they are most numerous the adherents of the Papacy constitute less than one per cent. About six thousand Jews in Denmark, less than 1400 in Norway, and approximately 6500 in Sweden total only about one tenth of one per cent of all the inhabitants. This means a religious homogeneity in Scandinavia which is difficult to match in any other triad of neighbors anywhere. This homogeneity is all the more noteworthy because there is no legal compulsion to belong to the established church. In fact, practically the only persons in Scandinavia who are required absolutely to be of the Lutheran faith are the three kings who reign in their respective nations. In each of the three countries there is complete religious toleration, which in Denmark, for example, has permitted active Catholic propaganda in recent years. Everywhere in Scandinavia marriages performed by non-Lutheran clergymen are recognized by law.

Not without significance as a link between the three countries is the relationship existing among the three royal families. King Haakon VII of Norway is the paternal uncle of King Frederick IX of Denmark, while both are direct descendants of Charles XV of Sweden,

who was the uncle of Gustav V, the reigning Swedish monarch. Further bonds between the three royal families are the marriages of two royal Swedish princesses to members of the Danish and Norwegian royal families respectively. The Princess Martha, a niece of King Gustav, was married in 1929 to Crown Prince Olav of Norway. In 1935 the Swedish monarch's granddaughter (daughter of the Swedish crown prince) was wedded to the then Danish Crown Prince Frederick—now (since 1947) King Frederick IX. Popular as each royal family is, not only in its own land but in the rest of Scandinavia as well, this close relationship is and in all probability will continue to be a significant link of inter-Scandinavian friendship.

The death in 1947 of Christian X of Denmark, who had served as the Danish monarch for 35 years, was mourned in all of the three countries. During this entire period of three and one-half decades the Danish king had enjoyed the counsel and close friendship of the Norwegian Haakon VII (king since 1905) and of the Swedish Gustav V (king since 1907). The members of this interesting royal trio were often in consultation and especially during World War I were repeatedly in touch with one another as living symbols of the three northern neutrals. During World War II Christian's virtual imprisonment by the Germans and Haakon's spectacular escape with his government to London left Gustav the only one of the trio free and in his own capital. Thus the 35 years during which these three monarchs reigned simultaneously included two world wars, bringing with them far-reaching changes in many parts of the world. Yet there is not the slightest sign of desire in Denmark, Norway, or Sweden to abolish the monarchy. In fact, the royal families are more popular than ever. The tumultuous welcome given to Haakon upon his return to Norway in 1945, the enthusiastic nationwide celebration by all Sweden of the ninetieth birthday of Gustav in June 1948, and the loyalty of the Danes to Christian during the German occupation, all constitute compelling evidence of the popular

approval in Scandinavia of the monarchy. The Scandinavians have learned that a beloved monarch, constituting a living symbol of the nation, does not interfere in the least with the development of a full-fledged democracy. In each country the monarch, much as in Britain, follows the advice of his ministers, who in turn are responsible to the democratically chosen parliament.

Racial homogeneity is another inter-Scandinavian bond. The three peoples, each highly homogeneous, are largely Nordic, but with some Alpine or Alpine mixture in Denmark and in Norway. There are also some evidences of early races called Prospector and Beaker. Sweden claims to be the purest racially of any national state in the world. In each of the countries there is no evidence of domestic race prejudice, owing in part no doubt to the absence of any large minority racial groups, but in part also to the spirit of tolerance which is a common Scandinavian characteristic. In Sweden, for example, 7000 Lapps living in the Arctic regions are treated deferentially as wards of the state. No attempt is made to compel them to adopt Swedish customs. They are allowed to pursue their own mode of living and live a nomadic life, hunting and fishing. The government supports nomad schools where the Lapp traditions, rather than the Swedish, are emphasized.

The very fact that each of the Scandinavian countries, especially Sweden, ranks high in race purity and in homogeneity in the fields of religion, language, and culture generally, has made some Scandinavian observers express themselves as conscious of too great conformity, and according to these observers Scandinavia has the disadvantage—though it may be only a slight disadvantage—of lacking any sizeable racial or creed minorities.

In connection with these close racial bonds we find another paradox not unlike that noted in connection with the linguistic similarities. The very closeness of the racial relationship has been a factor in keeping alive a spirit of nationalism and a philosophy of separation. These bonds

are unifying, and decidedly so as far as non-Scandinavian relations are concerned; but the very intimacy and contiguity which exist have accentuated the attention paid to various comparatively minor differences. Each Scandinavian country acts upon the other two as a magnet which draws them toward it, but as the magnet under certain conditions draws the iron filings and under other conditions keeps them at a distance so none of the countries in spite of mutual attraction desires amalgamation. The centripetal and the centrifugal forces seem nicely balanced in such a way as to promote a large degree of close co-operation, but to prevent any political union. Perhaps this is a happy situation.

If we look at the historical background of the three Scandinavian countries we find much in common. Only in a limited sense, however, have the countries a common political heritage, and a study of Scandinavian history will reveal underlying causes of long standing for the desire for continued separation. The memories of many bitter inter-Scandinavian conflicts in the past centuries, often taking the form of wars, are not entirely eradicated. Happily, nearly 135 years have passed since any one of the countries has been at war with any of the others, and that is a remarkable chronicle when we think of the valor, courage, and patriotism which exist in all three. This record together with their unanimous and effective desire to remain out of World War I and the same, but less effective, desire in World War II have helped much in softening earlier and intensely nationalistic attitudes. The political heritage of the three countries, individually and collectively, is of such importance that it will be discussed in a later chapter.

The very geographical contiguity of Denmark, Norway, and Sweden is most naturally of significance. Off in a corner of Europe, and with the possible exception of Denmark, out of the most frequently trodden paths of conquest, two of them occupying the same peninsula, with many common agricultural and industrial interests, owing

to a common latitude, it is not strange that the psychology which results from propinquity should exist. A perfectly natural result of this propinquity was the organization in 1907 of the Northern Parliamentary Union, made up of the Danish, Norwegian, and Swedish groups in the worldwide Interparliamentary Union. In November of 1947 the executive committee of the union, meeting in Stockholm, discussed the importance of increased economic co-operation.

Since the close of hostilities in World War II there have been many evidences of increased inter-Scandinavian co-operation. As will be made clear in later chapters, Denmark and Norway, both occupied by the Germans from 1940 to 1945, emerged from the war with no significant constitutional changes, and both continue, as does neutral Sweden, to function as thorough-going democracies. At a meeting of the Scandinavian foreign ministers in Copenhagen in August 1947 a joint committee on economic collaboration was recommended; and in February 1948 a conference of the Scandinavian ministers on foreign affairs and of commerce held in Oslo directed the newly formed joint committee to begin the study of proposals for great co-operation in the field of tariffs, trade restrictions, labor, and industry. Labor leaders of the three countries are in touch with one another. The joint Committee on Economic Collaboration has a permanent secretariat with headquarters in Copenhagen. The possibility of increased Russian pressure is an added factor in stimulating closer co-operation between the three countries. All three are members of the United Nations.

1. Physical features and population—Denmark. The kingdom of Denmark comprises an area of about 16,500 square miles. About 70 per cent of this area is made up of the peninsula of Jutland; the remaining 30 per cent is made up of a large number of islands, most of them lying between Jutland and Sweden. There are about five hundred of these islands altogether, the largest being

Zealand, which lies more nearly adjacent to Sweden than to Jutland and upon which is located the capital, Copenhagen. Between Jutland and Zealand is found the second largest island, Fyn, separated from the former by Little Belt (Lille Bält), the latter by Great Belt (Store Bält). These two straits, constituting natural barriers, even though comparatively easily surmountable, with a constant stream of travelers traversing them, are important items in the geography of Denmark. Of the five hundred islands of Denmark most of them are so tiny that they are of no significance; only about one hundred are inhabited.

In area Denmark ranks among the small countries of the world. It is slightly larger than Switzerland, about 20 per cent larger than Holland, approximately one and one-half times the size of Belgium, but only about half the size of Portugal. In comparison with American states its area is about twice that of Massachusetts, or about half that of Indiana.

Denmark has approximately 4,000,000 inhabitants. Missouri, with an area four times that of Denmark, has only about 90 per cent as many people. The province of Ontario, with an area 25 times as large, has only three fourths as many people. On the other hand the much smaller Belgium has over twice as many people. The Swiss population of a little over 4,000,000 on an area of about 15,500 square miles makes the Alpine republic and Denmark fairly close counterparts in these two respects, although with its slightly greater population and its slightly smaller area, Switzerland has a little greater density of population.

As is true in many other countries, the Danish population is not evenly distributed throughout the kingdom; the large island, for example, has nearly three times the density of Jutland. Less than half the people of the nation live outside the urban areas and nearly 25 per cent of the entire population resides in the capital city and its environs. Copenhagen is the largest of the three

Scandinavian capitals and the largest city in the three countries. With the exception of the capital there is only one city, Aarhus, with a population over 100,000, only two others above 50,000. This means that outside of Copenhagen the urban residents live in small towns. During the last fifty years the rural inhabitants, owing to industrial and commercial developments, with their accompanying decreasing demands for farm labor, have decreased from about 75 per cent to less than 40 per cent of the entire population.

The west coast of Jutland is almost inaccessible from the sea. This means that Denmark faces toward the Baltic rather than toward the North Sea. The country consists of low undulating plains. No point is more than forty miles from the sea. This proximity means a climate tempered by the ocean. Over three fourths of the land area is devoted to agriculture. There are also some forest areas. In fact, more than 90 per cent of the land area is productive. Aside from a fertile soil, a favorable climate, and some excellent fishing grounds, Denmark has very few natural resources. There is no coal, iron, or other metals, no oil, no chemical products, and practically no water power.

2. *Physical features and population—Norway.* Norway, which occupies the western part of the Scandinavian peninsula, has an area of almost exactly 125,000 square miles. This is slightly larger than that of Italy and nearly eight times that of Denmark. The American state nearest in size is New Mexico. Kentucky, about one fourth of Norway in area, has approximately the same population. With about 3,100,000 inhabitants, Norway is the most sparsely populated of the Scandinavian countries and ranks among the more sparsely inhabited parts of the civilized world. Of European countries, the Irish Free State has about the same population as Norway. Of American states, Wisconsin is the nearest in number of inhabitants but because of its smaller area is, therefore,

more densely populated. It is interesting to compare the Norwegian kingdom with the province of Quebec. The two have almost the same number of inhabitants but as Quebec has an area nearly five times that of Norway it has a density far below that of the latter. Within Norway the density, of course, varies in different parts of the country, the southern portion containing an overwhelming majority of the population. A little over one third of the population is found in the cities and towns. Oslo, the capital, contains about one third of the urban population. Bergen, the second largest city, has slightly over 100,000 inhabitants, and only one other, Trondheim, has above 50,000.

Norway has a topography very different from that of Denmark. The range of mountains running through the peninsula and forming the boundary with Sweden covers most of the Norwegian side of the peninsula. This makes Norway a country of rugged mountains cut by inlets or fiords, which provide scenery easily classed among the most sublime in the world. Over one half of the entire area is covered with bare mountains, about one fourth is forest land and only about 3 per cent is cultivated. This is in striking contrast to Denmark where over 75 per cent is under cultivation. This means, of course, that Norway must import some of its food supply. The forests constitute a most important—perhaps the chief—source of wealth, and much lumber and wood pulp are exported. Fisheries including whaling are another significant source of wealth, while Norway's merchant marine places it among the leading nations in the field of shipping. This will be alluded to later in the chapter when comments are made on the occupations of the Scandinavian peoples. Norway has small amounts of iron and other metals but no coal. It has an almost unlimited supply, however, of "white coal," in the form of unnumbered waterfalls, which constitutes its greatest natural asset, and which, only partially harnessed, is already one

of the most significant factors in modern Norwegian economic life.

Extending over 1000 miles from north to south, traversing thirteen degrees of latitude, Norway has a variety of climate tempered at all times by the warm currents of the Gulf Stream. In the south conditions are not unlike those found in the extreme north of the United States while in the northern portions arctic and subarctic climates prevail. Even in the south of Norway the summers are shorter than in any part of the mainland of the United States but are, nevertheless, long enough and warm enough to produce crops on that small fraction of the soil which is arable.

3. *Physical features and population—Sweden.* Sweden is the largest (173,000 square miles) and the most populous (6,673,956 inhabitants in 1946) of the three countries. As a matter of fact, Sweden is one of the largest in area of any European country aside from Russia—larger than France and only slightly smaller than prewar Germany. In area Sweden is about twice as large as the island of Great Britain. Among American states California (158,000 square miles), the second largest in the union, is the nearest in size. Twice the area of Minnesota would closely approximate the extent of the Swedish kingdom. On the basis of population Sweden almost equals the entire continent of Australia. European counterparts as to population are Greece and Portugal, while in the western hemisphere Peru and Ohio rank approximately with Sweden on the basis of the number of inhabitants. When we combine the two factors of area and population we find that California, with about 90 per cent of the area of Sweden, has also about the same number of inhabitants. These two regions, therefore, are similar in density of population. Sweden is more densely populated than Norway, but much less so than Denmark. In Sweden, as in Norway, we find that density of the population decreases from south to north. In general, the population is con-

centrated on the fertile plains and around the ore supplies. As in the rest of the civilized world, the Swedish population has drifted cityward. In 1860 only one tenth of the population lived in the cities and towns; at present, over 40 per cent is urban. Stockholm, the capital, with over 500,000 inhabitants, contains over one fourth of the urban dwellers of Sweden. Besides the capital, two cities, Gothenburg and Malmö, are above 100,000 in population. Only four others are above 50,000.

With the exception of the southern part of the peninsula the Swedish topography is not unlike that of Norway, its geographical twin. The more gradual approach to the Baltic on the Swedish side as opposed to the sudden drop to the Atlantic on the Norwegian side accounts for some difference in the contour, the lack of fiords in Sweden being one of them. The ports of the northern Baltic are icebound during a portion of the year, but Sweden, like Norway, has ice-free ports in its southern portion. Sweden has more lakes and rivers than has Denmark or Norway. In fact, few if any European countries can boast of as many lakes as can Sweden. Geologically, Sweden is the oldest part of the European continent. The early rock which forms much of its base is not particularly fertile but is rich in iron ores, and furnishes granite of superior quality, which is used for building purposes and is an important source of supply for road materials. Sweden has no coal of any importance, but its water power resources are tremendous, approaching in significance the almost matchless water power possibilities of Norway. Southern Sweden (called Skåne) has a geological foundation and a topography that is much like that of Denmark, and it is here that the richest agricultural section is found, with the climate and soil especially favorable to the raising of grain.

Only about 9 per cent of the area of the country is arable. This is surprising when we realize that Sweden has always been an agricultural country and that about 60 per cent of the population is rural. Over half of the area

is covered with forests, which constitute a great source of national wealth. It is likely that much of the forest area could be cultivated if the trees were removed. Fisheries are also a source of wealth but they are not as significant in the national economy of Sweden as they are in the economy of Norway.

Like Norway, Sweden extends more than a thousand miles from north to south. Its climate varies from Arctic in the north to conditions in its southern territory much like Denmark and northern Germany. Sweden is not tempered as much by the Gulf Stream as is its western neighbor but its southern portions extend farther into the warmer latitudes. Each country has ample rainfall to support agriculture.

Not all the Scandinavians in the world live in Scandinavia. For many decades a migratory stream has moved from these northern countries especially in the direction of the United States. This movement has now practically ceased, owing partly to the American immigration restrictions, but more largely to the increased economic opportunities which in each of the Scandinavian countries now await the ambitious and venturesome who formerly were lured to foreign lands. The United States has more persons of Scandinavian origin than any other outside country. In 1940 there were in the United States 955,333 persons born in Denmark, Norway, or Sweden. In the same year the foreign-white stock in the United States (foreign-born whites and native whites of mixed or foreign parentage) included 443,815 of Danish origin, 924,688 of Norwegian, and 1,301,390 of Swedish. This bond of race relationships should add to the interest which many Americans may take in the political constitutions of the three northern democracies.

4. *Occupations, industry, and trade.* The Scandinavian countries are primarily agricultural nations. In each of them agriculture is the leading occupation. In Denmark and in Norway almost one third, and in Sweden

almost one half, of the population makes its living directly from farming. As it is not always easy to draw the line between farming and forestry some of those listed in either occupation may be in the other. It is in Norway and Sweden that forestry and forest products are of great significance. Another calling followed by Scandinavians from time immemorial has been that of fishing. In Norway nearly 10 per cent of the population depends on fishing and whaling. In the other two countries, though of less magnitude, the fishing industry offers a livelihood to many people.

It would be ridiculous, however, to picture the Scandinavians as a primitive and pastoral people, interested primarily in milking cows, chopping down trees, and catching fish. There is no place in the world where modern scientific developments have affected agriculture and forestry more than in these three lands. The broad technical training offered by the schools of Scandinavia in these fields, which will be discussed elsewhere, is an indication of complete modernity. In the second place other occupations besides farming, forestry, and fishing are followed by large numbers of the population. As indicated above there has been through several decades a steady increase in the urban population. In Sweden manufacturing and industry rank second only to agriculture and forestry. Because of the rich iron deposits, the most important industry is that of iron and steel. In the steel industry the emphasis is on quality rather than quantity, with the result that a goodly percentage of the highly skilled artisans are found in this field. In Norway over one fourth of the workers are engaged in industry. This is brought about largely because of the remarkable developments in the use of water power—a factor of great significance in Sweden also. Even Denmark, famed the world over for its agricultural excellencies, has about half of its workers engaged in handicrafts, industries, trading, and transport.

Commerce and shipping play important roles in Scandinavian economic life. In each of the three countries

we find a merchant marine of marked significance, but it is in Norway that this activity is of unusual proportions. The Norwegian mercantile fleet at the opening of World War II was fourth in size in the world, being exceeded only by England, Germany, and the United States. With over 10 per cent of its adult male population engaged in sea shipping, Norway ranked first among all the countries of the world as a seafaring nation. Her rapid recovery from serious losses to her shipping during World War I was due to a remarkable program of shipbuilding, by which in less than a decade she practically rebuilt her merchant fleet. She is experiencing another rapid recovery from her losses in World War II. Her major problem of reconstruction is the rebuilding of her merchant marine. Her prewar tonnage of 4,800,000 tons, reduced to 2,700,000 by World War II losses, is being rebuilt. According to estimates, by 1951 the Norwegian merchant marine should have attained its 1939 level, which would make it one of the largest in the world. Recognizing the importance of shipping to its economic welfare, Norway provides excellent technical schools for the training of navigators.

A significant factor in the national economy of any country is its list of customers in the field of world trade. Before the disruptions of World War II, the Swedish list showed Great Britain first, Germany second, and the United States third. The first three places on the Norwegian list were the same. Among the Danish customers the United States lost third place to Sweden, but Great Britain and Germany were again first and second. Averaging about fourth on all three lists was the trade with sister Scandinavian countries. Hence, in general, the international economics of Scandinavia was tied up primarily with Great Britain, Germany, and the United States.

Because of the disappearance of the German market and the reduction in trade with Great Britain, the foreign trade of the Scandinavian countries has shifted to other countries, including increased trading with each other.

In 1946 a higher percentage of imports was brought in from the United States than in the years immediately preceding World War II. Of Swedish imports in 1946, 24 per cent came from the United States as compared with 16 per cent before the war; of Norwegian, 22 per cent as compared with 11 per cent. The Danish increase, however, was slight—from 8 per cent before the war to 9 per cent in 1946.

A study of Scandinavian occupations, industries, and trade reveals that we have here three countries which in proportion to population are an important part of the domain of world economics. As a producer of agricultural products Denmark is a world leader. Norwegian ships are on every sea and in every clime. Furnishing a very large part of the high grade iron ore in Europe and with worldwide reputation for quality steel production, Sweden is a significant part of the international picture. Forestry, fishing, and hydroelectric developments also contribute to make Scandinavia of moment in world affairs.

Significant as Scandinavia is in world trade, she has developed certain aspects of her domestic trade in a way which has attracted world attention. Through the remarkable growth of the co-operative movement Denmark, Norway, and Sweden are the scene of economic experiments which are watched with interest by all those who are seeking a solution for the perplexing problems involved in the production and distribution of economic goods. Because this movement is very important, further attention will be given to it in later pages.

Scandinavia is rapidly becoming of added significance because of the possibility of Soviet pressure to bring these small neighbors into the Russian orbit. To find three of the best examples of modern effective democracy lying in the path of a possible Russian westward movement is focusing increased attention on the governmental structures and the political activities of the three northern countries.

CHAPTER II

THE POLITICAL HISTORY OF SCANDINAVIA

The Scandinavian countries can hardly be said to have a common political history. For the most part each has had an independent political and constitutional history and the story of the growth of governmental institutions in Scandinavia must take the form of three separate accounts. Even in Norway, which has had a completely separate existence—at any rate as far as modern times are concerned—only since 1905, the growth of political institutions has been distinctly Norwegian and shows little direct Danish or Swedish influence.

In spite of the separateness which in general characterizes the story of Scandinavian governmental institutions, attention may properly be directed to the more significant points at which the three stories overlap. Of these there are three: (1) the Union of Kalmar, consummated in 1397, under which the three countries were brought together under a common sovereign; (2) the period from the end of the Kalmar Union (about 1500¹) to 1814, during which period Norway was united with Denmark; and (3) 1814-1905, when Norway and Sweden were joined as independent nations under a common king. Previous to the Kalmar Union there had been other instances of close political relationship between Norway and Sweden, and Norway

¹ It is difficult to fix definitely the date when the union of Kalmar ended. The complete separation of Sweden from Denmark really came with Gustavus Vasa in 1524, although previous to this the nationalist movement in Sweden had made much headway, and at various times Swedish leaders had been acclaimed king or regent. It was in 1450 that Sweden gave up all claim to Norway. Hence the Danish Norwegian union may be said to have existed from 1450 to 1814.

and Denmark, but none of these left any permanent effects on Scandinavian political history.

The political history of each of the countries is filled with events of absorbing interest to anyone who is at all curious about the way in which democratic governments have developed in different parts of the world. Because each country has a political history of its own, the three stories will be sketched separately.

1. *Danish political history.* The outstanding feature of Danish political history which distinguishes it from the steady century-long development of parliamentarism in other democratic countries is the period of absolutism which existed from 1660 to 1849. This constitutes a complete hiatus between the limited monarchy previous to that period and the rapidly developing parliamentary democracy of the last 90 years. Unlike the development of parliamentarism in Sweden and in England there was no continuous growth of political institutions. The modern Danish parliament (the *Rigsdag*), for example, cannot be classed as a descendant of the earlier *Rigsdags* under the limited monarchy which existed before 1660.

The political history of Denmark, then, may be divided into three periods: (1) the limited monarchy, which went through various stages of growth previous to 1660; (2) the period of absolutism (*Enevålden*) from 1660 to 1849; and (3) the development of modern democracy since 1849.

2. *The period of limited monarchy—to the Reformation.* From the earliest period the powers of the Danish kings were greatly limited. Legislation was almost entirely in the hands of assemblies, made up, however, of members of the upper classes only. As time went on, the king played an increasingly important part in the administration of the law, and his judicial functions also were increased. To the very end of the period, however, the lawmaking powers of the king were greatly limited. Long

before 1660 four estates had arisen: the nobility, the clergy, the burghers (made up of merchants and skilled workers of the towns), and the peasants. The last two had virtually no political power but the nobility and the clergy, especially beginning in 1282, exercised a great degree of control over the king. Throughout the entire period of the limited monarchy the king possessed no fixed place of abode but traveled from castle to castle.

Beginning in 1282 each king made a compact, or agreement, with the nobility and the clergy. These compacts (*Haandfästninger*) outlined the powers of the king and played a very important part in the history of the limited monarchy. The first compact, called the Magna Carta of Denmark, was made with King Erik Klipping at a meeting of bishops and nobles at Nyborg on July 29, 1282. From this date until the coming of absolutism in 1660 these compacts in reality constituted a series of constitutions for the Danish kingdom. Up to the time of the Reformation these successive compacts regularly provided that no consequential action should be taken by the king without the consent of the two upper estates and required further that the king should annually call a meeting of the "best" men of the realm. This assembly (the *Danehof*) was the first nationwide parliament and took over most of the powers previously exercised by the three separate *Landsting* (regional assemblies) which for centuries had acted as lawmaking bodies. Out of the membership of the Danehof, and later virtually replacing it, there developed an inner circle known as the *Rigsraad* (council of the kingdom) usually consisting of about 30 men who were chosen by the king. The Rigsraad not only acted as the king's closest advisers but constituted also the highest court of the realm. The Rigsraad saw to it that the king lived up to his compact and was empowered to nullify any act which was in violation of it. The succession to the throne was also controlled by the Rigsraad, together with the making of the new compact with the incoming sover-

eign; with the result that the privileges and powers of the nobility and clergy were frequently increased.

3. *The period of limited monarchy—since the Reformation.* When Christian III became king upon the death of his father Frederick I in 1534 he faced a bitter rebellion. Two years later he found himself a military victor but deeply in debt to the German officers who had aided him. The rapid growth of Protestantism in Denmark made it comparatively easy for the king to get support for the seizure of church property and for the official abolition of the Roman Catholic hierarchy. To bring this about, Christian III, in October 1536, called together the famous Copenhagen Rigsdag for the special purpose of annihilating the political and religious powers of the Catholic clergy.² This Rigsdag, which was attended by 1200 nobles, burghers, and peasants, promptly proceeded to bring about these objectives and made the Lutheran Church the state church with the king as its head. The vast properties of the Catholic Church were confiscated and divided among the nobles and the royal treasury.

The Rigsdag adjourned at once but the Rigsraad continued, as it had before the Reformation, to act as an effective check upon the king. The only difference was that now the membership was reduced to about twenty, and, with the abolition of the clergy, the Rigsraad represented only the nobility. A new compact was made with Christian III, which, while less rigorous in its limitations upon the monarchy than those of earlier kings, did nevertheless continue the Rigsraad in its powerful position. A notable change was the omission of any prohibition upon the king to seek to make his son his successor. Thus the king and the nobles after the Reformation exercised the power which the king, the nobles, and the clergy had possessed previous to 1536.

² At various times Danish kings had called a Rigsdag together. The first in Danish history was that called by Christian I at Kalundeborg in 1468.

4. *The period of absolutism 1660-1849.* Impoverished by the war with Sweden, Frederick III called a Rigsdag to meet in Copenhagen in 1660 in order to provide for new taxes. This was attended by members of the nobility, and representatives of the University, of the Lutheran clergy, and of the burghers from most of the towns. The peasant estate was considered of such little importance that no representatives were invited. After taking action on taxation against the opposition of the representatives of the nobility, this assembly brought about, in rapid fashion, a most fundamental change in the Danish constitution. The estates outside the nobility were willing to see the power of the king increase and that of the nobles decrease; and it was not difficult for the shrewd Frederick to obtain the adoption of a resolution which gave the king complete and autocratic power. With this action Denmark became an absolute hereditary monarchy. The king's compact was abolished never again to be used. In 1665 the king signed the Regal Law (*Kongeloven*) which became in reality the first complete written Danish constitution.³ By this document the king was given all power, including the leadership of the state church. Practically the only limitation upon the king was that he must defend and support the Augsburg Confession. For any citizen even to suggest a change in the Regal Law was treason and the document itself forbade any amendments. This instrument is the most unequivocal formal delineation of absolutism found in the annals of mankind.

Other dictatorial governments before and since have gone just as far, but their existence in part, at least, has resulted from practice and precedent rather than from documentary sources. The Danes lived for one hundred and eighty-nine years under this absolutism. During the first one hundred and seventy of these there was little opposition. Even the French Revolution had little effect. In 1830, however, in spite of strict censorship, demands

³ The Regal Law was kept a secret during the reign of Frederick III. It was not generally published until 1709.

for change began to be heard and the next year Frederick VI provided for four provincial assemblies elected by citizens of property in the respective regions or provinces into which the country was divided. These assemblies began to function in 1834 and were the beginning of the movement which, in 1849, resulted in a new constitution.

5. *The development of modern democracy—since 1849.* From 1849 to date Denmark has had six different constitutions, with five of these originating in the brief span of seventeen years between 1849 and 1866. The turbulence of this period was due largely to the problems arising from the relationship of Denmark to the duchies of Schleswig and Holstein, and three of the five early constitutions were established in an endeavor to meet these problems. To appreciate the complexities of the situation one must bear in mind that, while the *kingdom* of Denmark did not include the duchies, the Danish *realm or state* included the northern of the two duchies namely Schleswig and extended to the Eider river, which was the boundary between Schleswig and Holstein. To add to the complications the Danish *monarchy* extended also to Holstein, whose southern boundary was the Elk river. These two duchies, strongly German in their sympathies, (Holstein being already in 1849 in the German federation) objected vigorously to amalgamation or even a close union with Denmark, and with Prussian support they were in 1864 removed from Danish control.

The six modern constitutions of Denmark (counting the three which deal with the duchies) are of the following dates:

(a) June 5, 1849—a liberal constitution drafted by a popularly elected convention called by Frederick VII and generally known as the June constitution. Originally intended to apply to Schleswig as well as to the kingdom, it served as the fundamental law for Denmark proper up to 1866. Co-existing with it were successively the three

following constitutions, each covering to various extents the duchies.

(b) July 26, 1854—a semiabsolutist constitution for the Danish *monarchy* (thereby including Schleswig and Holstein) issued by the king. This did not directly affect the structure of the government of the Danish *kingdom*. Shortly after the promulgation of this fundamental law the Rigsdag, under the constitution of 1849, limited the application of the 1849 document to the kingdom; and this limitation continued to the time of the separation of the duchies from Denmark.

(c) October 2, 1855—a liberalization of the document of 1854, which provided for a one-chamber council, one fourth chosen by the king and three fourths elected by greatly limited suffrage. This constitution, drafted by the prominent statesman and mathematician Carl Andrae (later prime minister), adopted for its election procedure the law enacted on the same date which provided for proportional representation. This document was the first in history to provide for this system and the elections in 1856 were the first in the world to follow this procedure. Under this constitution the council had charge of affairs common to the kingdom and the duchies while the Rigsdag, under the June constitution, continued its control over affairs in the kingdom proper. Because of pressure exerted by the German states the 1855 constitution was in 1858 declared not to apply to Holstein.

(d) November 18, 1863 (November constitution)—This document endeavored to unite Schleswig more closely to Denmark and, because its aim was to make the Eider river the southern boundary of a solidified Denmark, it is often referred to as the Eider constitution. This document was the immediate cause of the war with Prussia and Austria which resulted in the loss of the duchies. The November constitution enlarged the Council of the 1855 document so as to provide for two houses, (a) the upper house, or the *Landsting*, partly chosen by the king and partly elected by highly restricted suffrage; and (b)

the lower house, or the *Folketing*, popularly elected. This bicameral Council, of course, was entirely distinct from the bicameral Rigsdag still continuing in the kingdom proper under the June constitution. The Rigsdag's two chambers had the same names as those of the Council.

It should be noted, however, that the 1854, the 1855, and the 1863 documents might well be omitted from the list of Danish constitutions, as they all revolved around the question of relationships to the duchies of Schleswig and Holstein and did not directly affect the governmental structure of Denmark proper. On this basis it might be said that since 1849 Denmark has had *three* constitutions rather than six.

(e) July 28, 1866—This was a compromise between the two existing constitutions—the June and the November—and was adopted after fierce debate by the Council and by the Rigsdag (in many cases the same person was a member of both). With its promulgation the Council ceased to exist and the Rigsdag became the sole legislative body. This document was much like the June constitution as to its bill of rights but was very conservative in its provisions for choosing the Landsting. It is sometimes referred to as the revised June constitution, although its revision in the direction of conservatism makes it less a document to be revered by the Danish common people than the original. The place which the June constitution holds in the imagination of the people is shown by the intentional promulgation of the present constitution on June 5.

(f) June 5, 1915—This constitution came into being as a wholesale revision of the fundamental law of 1866 in conformity with the amending process provided therein, namely that proposed changes must pass both houses of the Rigsdag and then after a general election be passed again by both houses. As the main point at issue involved the liberalization of the Landsting, the opposition came from this house. It was only after a dissolution of the Landsting in June 1914—the first dissolution of the up-

per house alone under the 1866 constitution—that favorable action was taken by that body. Immediately after the adoption of the new constitution by both houses, the Rigsdag was dissolved for a new election, in order that the constitutional provisions for action by a new Rigsdag might be met. This general election, held on May 7, was consummated without any campaign and practically all members of both houses were returned uncontested. On June 5 the new Rigsdag took the final steps in approving the new constitution and on the same day it was promulgated by the king. By its own provisions the date of being put into effect was postponed because of World War I, and it was not until 1918 that the first elections under it were held.

Because of the return of a part of Schleswig as a component part of Denmark after World War I, changes were necessary in the fundamental law in order that representatives from the new territory could sit in the Rigsdag. This was made the occasion, in 1920, for certain other changes, which will be mentioned in a later paragraph. Approval of the amendments, a dissolution of both houses, another general election, and the prompt adoption of the proposed amendments by the new Rigsdag followed. The 1915 constitution prescribed a referendum as a further step in the amending process. The people overwhelmingly approved the changes which were declared in force as of September 20. The present fundamental law of Denmark is referred to as the Danish constitution of June 5, 1915 with amendments of September 20, 1920.

6. *Parliamentary developments since 1848.* The significant developments in the last hundred years of Danish history are: (1) the extension of the suffrage, (2) the partial liberalization of the Landsting, (3) the increasing importance of the Folketing, (4) the growth of political parties, (5) the extension of the powers of the ministry

or cabinet, and (6) the decrease in the powers of the king.

The most significant step in this whole period was that taken by King Frederick VII almost immediately upon his accession to the throne, in issuing, in 1848, a liberal election law for use in choosing the delegates to the constituent assembly, which, in due time, brought into being the June constitution. This abrupt change from the absolutism of nearly five centuries paved the way for the comparatively smooth movement toward democracy. The shift in 1848 away *from* absolutism like that *to* absolutism under Frederick III in 1660 was accomplished without violence or disorder.

The liberal election law of 1848, incorporated in the June constitution, gave the suffrage to all men over 30—domestic servants and apprentices excepted. These exceptions were made through fear that the employers would dominate such persons. Hence, their disqualification was, paradoxically, favored by those who championed democracy. The constitution of 1866 limited the suffrage for the Landsting to the upper economic classes, with the result that the upper house for decades stood in the way of rapid democratic development. Under the 1915 constitution the right to vote in Folketing elections was extended to all persons over 25 years of age including women and domestic servants. For Landsting elections the age is 35.

The chief cause for the constitutional changes of 1915 was the conservatism of the Landsting, which, since 1866, had represented the large landholders and the king. The latter directly appointed 12 out of the 66 members, the others being elected indirectly by electoral colleges. In 1915 the royal appointments were abolished, and instead 19 members were elected by the members of the outgoing Landsting to sit in the new body. The remainder were chosen by electors elected by persons above 35 years of age. To be eligible for election to the Folketing under the June constitution one had to be 25 years of age, and this age requirement still holds true. To be eligible for

election to the Landsting under the June constitution one had to be 40 years of age and had to meet certain property qualifications. In 1866 the age was reduced to 25 years and the property qualifications were abolished. The present constitution, however, makes 35 years the required age. Women as well as men are eligible to sit in either house. Proportional representation is used in the popular vote for the Folketing and in the electoral colleges for the Landsting. The term of the Landsting is twice as long (8 years) as that of the Folketing. This, together with the higher age limits for suffrage and the indirect elections, still makes the Landsting the most conservative agency in the Danish government. The Folketing, closer to the electorate has, however, played an increasingly important part in legislation. This will be elaborated further in the chapter dealing with the Rigsdag and its functions. The cabinet is responsible to the Folketing and not to the upper house.

The development of the political parties of Denmark will also be sketched in a later chapter. For the present it is sufficient to say that party government is highly developed and that the leader of the strongest party in the Folketing invariably becomes prime minister.

From 1849 to the present time the king has been permitted to take action only with the signature of one or more ministers, who in turn are responsible to the Folketing. This is the very essence of parliamentary government; and the general movement throughout the decades has been toward an expansion of the power of the cabinet and the evolution of the monarch toward the position of a ceremonial, though greatly loved and respected, head, not unlike the kingship in England. This matter will be discussed further in another chapter.

The procedure for amending the Danish constitution is complicated and difficult. The proposed amendment must pass both houses in any regular or special session of the Rigsdag. This is followed by a dissolution of the parliament and a general election, after which the proposal

must be passed again by both houses in a regularly or specially convened Rigsdag. The final step is a popular referendum through which the amendment is finally adopted, if it receives the support of a majority of those participating in the election and at least 45 per cent of all those eligible to vote.

7. *Outlying possessions.* The only Danish colonial possession is Greenland, with a total area of 840,000 square miles—only about one sixth of which is ice free; and with a population of 18,500—fewer than 400 of which are Danes. The agreement under which the United States, during World War II, acquired the right to occupy portions of Greenland definitely recognized that Denmark possessed sovereign rights over the large island.

Previous to 1918 Iceland also was under Danish rule. In that year Iceland became a separate sovereign state with its own parliament, the *Alting*, the oldest representative legislative body in the world (over a thousand years old); but remained united with Denmark through the person of the king of Denmark, who was also the king of Iceland. In 1944, by a vote of its people, Iceland became an independent republic. This little island, with a population estimated in 1946 at 132,000, now a member of the United Nations, functions as a thorough-going, up-to-date democracy.

The Faroe Islands, at present engaged in a movement for self government, are represented in the Rigsdag but have a local *Ting* with broad powers. It is not unlikely that these islands, which long have constituted a special district under Danish sovereignty, may in the near future be given greater or perchance complete autonomy. Public opinion in the islands is far from unanimous but in all the discussion there seems to be little, if any, bitterness against Denmark.

8. *Nazi occupation of Denmark, 1940-1945.* The unexpected attack upon Denmark on April 9, 1940, was so

sudden and the little Danish kingdom was so completely occupied in a few hours by the invading Germans that the Danish government had no time or way of escape. As a result, no government in exile was set up during the occupation. During the first three years of the occupation the Germans gave the impression to the world that Denmark was an independent country and had voluntarily accepted the protection of Germany. The king and his cabinet, and the parliament, were allowed to function and they endeavored to carry on the internal administration of the country.

According to the Danish constitution, elections to the Folketing (the lower house of the parliament), must take place every four years and as the last election had been held in April 1939, the election was due in April 1943. The Danish government insisted that unless the parliamentary elections were regularly held the Danish government would be unconstitutional. To the surprise of the entire world the Nazis permitted the election to take place, probably to give color to their claim that Denmark was really a free country under Nazi protection.

In spite of the fact that the Danish press and radio were far from free, and in spite of heavy Nazi contributions to the small Danish Nazi party, the result of the elections was an overwhelmingly democratic and Danish victory. The heaviest vote in Danish history turned out to give the four democratic parties (for details about these parties see the following chapter) an increase of votes over the completely free election of 1939. The Danish Nazi party received less than 2 per cent of the votes cast. At any rate it is quite obvious that the occupying forces permitted a free casting and counting of ballots.

In 1943 the Nazis declared martial law in Denmark but even during this period the Danish ministers continued to act in an administrative capacity. From 1943 until the liberation party leaders of the Danish Resistance Movement were quietly preparing to take over the gov-

ernment if and when the occupation might cease. Because of these preparations a cabinet of eighteen members representing various political parties and headed by Vilhelm Buhl was ready to take office in May 1945, when the Danes again gained control of their native land. The Buhl cabinet continued in office until November 1945, following the new elections held late in October. Further details on recent elections and party alignments will be given in the next chapter.

9. *Norwegian political history.* For over five hundred years prior to the Union of Kalmar Norwegian national unity had been emerging under a long line of kings. King Harald Haarfager was the first leader to effect any semblance of national unity when, about the year 870 A.D., he succeeded, for a time at least, in bringing together the various petty kingdoms. Olaf Tryggvason, whose brief reign as king ended in 1000 A.D., introduced Christianity. Olaf Haraldsson, the patron saint of Norway, was proclaimed king at various local tings (assemblies) about 1015. During his reign, which ended with the battle of Stiklestad, Christianity became firmly entrenched and the movement toward a centralized legal system continued. King Sverre, who reigned from 1184 to 1202, is looked upon as the greatest of all Norwegian kings. His objectives were a united Norway under a powerful royalty coupled with freedom for the peasantry. The Code of King Magnus Lagaböter (Magnus the Law Mender—1263-1280) was the first written code to have national application. This system of law remained in effect for many centuries, including much of the time after Norway had been united with Denmark, and its influence upon Norwegian jurisprudence has been far-reaching. The code took precedence over legislation enacted by the four tings then in existence.

10. *Norway's union with Denmark (1450-1814).* The Union of Kalmar (1397), based on the equality of Nor-

way, Sweden, and Denmark soon dissolved; by 1450 Sweden was no longer in the Union. The political history of Norway during this long period is of no great significance. Originally looked upon as an independent sister state joined with Denmark under a common king, Norway gradually was pushed into an inferior position and by 1537 had been reduced to the status of a Danish province, which she remained until the separation from Denmark in 1814.

Paradoxically, the introduction of absolutism into Denmark in 1660 helped Norway. The Danish nobility who had preyed upon Norway was now kept in check by the absolutist sovereign. During this entire period the loyalty of the Norwegians was not to Denmark but to the Danish king and to the Danish royal family. Outside the few large cities Danish culture had little effect on that of Norway and the feeling of nationalism was nurtured rather than destroyed during the long centuries of Danish rule. When, by the Treaty of Kiel in 1814, the European powers decreed that Denmark should cede Norway to Sweden the joy of the Norwegians at the release from Denmark was more than equaled by their resentment at being joined, without their consent, to another state.

11. *The constitutional crisis of 1814-1815.* The constitution adopted at Eidsvold in May, 1814 by a specially elected constituent assembly is, as amended, to this day the fundamental law of Norway. Influenced in part by the French and American constitutions, but largely indigenous, it was immediately recognized as a most liberal and democratic document. Monarchical in outward form it was in substance democratic. It was drawn up and adopted under unusual circumstances.

Norway was about to be ceded to Sweden, but for the time being the popular and democratic Danish prince Christian Frederick, cousin of the then Danish king Frederick VI, continued as viceroy. The Norwegians found him most sympathetic toward their nationalistic aspira-

tions, and with his support, if not with his actual leadership, they took the stand that as a sovereign people their consent must be given to the selection of a new king, Swedish or otherwise, and proceeded to choose members of the constituent assembly called by Christian Frederick. Chosen by the members of the church congregations of the various parts of the country and by the army and navy, 112 delegates met at Eidsvold and drafted the constitution, the essence of which was that Norway was to be a limited hereditary monarchy—a free, independent, and indivisible kingdom, in which the people through their chosen representatives were to exercise legislative power. After fourteen days of discussion by the assembly this document was formally adopted on May 17, which date has ever since been annually celebrated as the national independence day of the Norwegian people. Of the 112 members of the Eidsvold assembly, 26 came from the towns, 54 from the rural districts, 28 from the army, and 4 from the navy. By occupation 59 were civil or military officials, 16 were business men, and 37 were farmers.

The day after the adoption of the constitution the assembly with great boldness unanimously selected the Danish viceroy (who many years later became King Christian VIII of Denmark) as king of Norway, which post Christian Frederick immediately accepted. This naturally led to hostilities with Sweden, and to the military invasion of southern Norway. Neither side wanted war and in a few weeks an agreement, or treaty, was made at Moss, later affirmed by the Norwegian *Storting*⁴ (parliament), by which Norway was recognized as an independent country under a common king with Sweden. Christian Frederick then voluntarily gave up the Norwegian throne. In 1815 an act of union outlining in detail the relationships was adopted by both countries.

12. *The union with Sweden 1814-1905.* The nine decades of Norwegian-Swedish union were marked by con-

⁴ Formerly spelled STORTHING.

tinued insistence on the part of Norway that Sweden should take no part in her internal administration, and reluctant steps by Sweden to remove herself entirely from the domestic affairs of her neighbor. Sweden, especially in the earlier decades of the partnership, claimed that the Treaty of Kiel was the basis of the union and that the Norwegian constitution could be changed only with Sweden's consent, while Norway emphasized equality based on the Moss agreement of 1814 and the Act of Union of 1815. The period was marked by contests between the king and the Storting, with the latter gradually gaining greater and greater independence. The king frequently was foiled in his attempt to use the veto power as, for example, in 1869 when he vainly tried to prevent the change from triennial to annual sessions of the Storting. During the early years of the union a Swedish viceroy represented the king at the Norwegian capital, but the objection was so great that beginning in 1829 the viceroy was a Norwegian. After 1859 no viceroy was appointed and in 1891 the office was abolished. The story of the viceroy reflects in general the decreasing Swedish influence in Norway. In 1899 Norway was given a separate flag.

It was the joint consular service, which Norway claimed was used to the advantage of Swedish trade, which provided the issue on which the union was dissolved. The king's veto of a law providing for a separate consular service brought a crisis in which the Storting declared the king deposed and ordered a referendum on the question of separation. On August 13, 1905, the Norwegian people voted for separation by the overwhelming vote of 368,200 to 184, with 85 per cent of the eligible voters participating.

To Sweden, naturally, this action seemed revolutionary but the Swedish king and the Riksdag showed real statesmanship by agreeing to a treaty for the dissolution of the union. This treaty (agreed to at Karlstad on September 23 and later ratified by the Storting and the Riksdag) in-

cluded, among other provisions, an arbitration agreement to submit disputes to the Hague court. A neutral zone approximately 15 kilometers wide on each side of the boundary was established, within which military operations were prohibited.

Norway now proceeded as an independent nation. A minority of the Storting favored a referendum on the establishment of a republican form of government but instead a popular vote was ordered on the question of inviting the Danish Prince Karl to become king. This vote was taken on November 12 and 13 with 259,563 votes favoring the move to 69,264 votes against. A few days later the Storting unanimously elected Prince Karl who immediately accepted and assumed the name of Haakon VII. Thus in the brief space of a few weeks Norway by the democratic methods of the popular referendum had decided to break with Sweden and had selected a new king.

13. Constitutional developments. The Norwegian constitution, already recognized in 1814 as a democratic instrument, has been further liberalized through the more than century and a quarter of its existence, and it is today looked upon as one of the very best among the written constitutions of the parliamentary democracies of the world.

Copying in this respect from the constitution of the United States the Norwegians in 1814 provided for the separation of the powers, and this remained as a part of the constitutional system for over a half century. Gradually, however, through formal amendments and through custom this rule was abandoned for a parliamentary system very much like the British.

In addition to several amendments necessitated by the dissolution of the union with Sweden, the more significant constitutional changes involve the Storting, the cabinet (the *statsraad*), suffrage, and elections.

In 1869 an amendment provided for annual sessions of

the Storting. Under the original constitution the parliament had met triennially, and then only for three months, except by royal permission. Originally the membership had been fixed at 100. This has been changed at various times, with the present number constitutionally fixed at 150.

A most significant change was made in 1884, when the members of the king's cabinet (the ministers) were admitted to the meetings of the Storting. Today the cabinet, by custom, is invariably chosen from the leading party in the parliament. The king acts officially only through his ministers.

Under the constitution as originally adopted the suffrage was limited to the propertied classes and it was not until 1884 that these limitations were low enough to permit as many as half the adult males to vote. In 1898 there began a rapid movement for broadening the suffrage—a movement which in 15 years brought universal adult suffrage to Norway. In 1898 all men over 25 were given the right to vote for members of the Storting. In 1907 women were granted a limited parliamentary suffrage, which in 1913 was made general for those over 25 years of age. Norway was the first country in the world to adopt nationwide woman suffrage. The voting age for men and women has recently been reduced to 21.

Two constitutional changes relate to election procedure. In 1905 direct elections of members of the Storting were substituted for the indirect method which had been in use since 1814. An amendment adopted in 1913 introduced proportional representation into parliamentary elections. The details of this system, which were provided for by statute, will be explained in a later chapter.

After the 1936 elections an amendment to the constitution provided for quadrennial parliamentary elections to replace the three-year term which had been the rule since 1814. This amendment was adopted because there seemed to be wide agreement among the leaders of various parties that the threat of dictatorship, which loomed

large in Europe generally, made it incumbent upon democracies to avoid too frequent elections. This attitude was based upon the theory that hard-fought political campaigns which may even slightly affect the efficiency of a government should be as infrequent as is compatible with popular control.

The Norwegian constitution may be formally amended by a proposal made by the Storting and ratified by a two-thirds vote of the Storting after the following election. Neither the proposal nor the ratification may be made during the third (last) annual session of the Storting.

14. Nazi occupation of Norway and postwar developments. When the Nazis invaded Norway in April 1940, the Norwegians put up a determined and courageous but futile campaign of resistance. When it became apparent that military resistance was useless, King Haakon and his cabinet left for London, where the government in exile continued to function until the liberation five years later. Before leaving Norway, however, in a hurriedly convened session outside Oslo, the Storting authorized the king and his cabinet to exercise full governmental powers even while outside the borders of Norway. This authorization put the stamp of constitutionality upon the acts of the Norwegian government in London. The labor cabinet, which, under Premier Nygaardsvold, had been in office since 1935, together with one representative from each of the three opposition parties, constituted the cabinet in exile.

In Norway the invaders set up a new regime of the Nazi type, on the leadership principle but under German sponsorship. The natural Norwegian leader for the regime was Vidkun Quisling, who for years had been the leader of a very small group of Norwegian fascists. For a number of elections he had sought for a seat in the Storting but in no case had he, or any of his followers, succeeded in being elected. Although his group had never received more than 2 per cent of the popular vote, Quis-

ling had been, as early as 1933, spoken of as the Hitler of Norway. The underground resistance to the Quisling regime was widespread and had the support of the overwhelming majority of the people. Large numbers of resistance journals continued to operate secretly both in and out of Oslo. An interesting fact is that no Communist was prominent in the underground movement. Immediately after the liberation, Quisling was placed under arrest and in August went on trial for treason. His conviction was upheld by the Supreme Court of Norway and he was executed in October 1945. In July the Storting had re-enacted the provision for the death penalty, a penalty which had been abolished seventy years earlier.

Upon the return of the king and the convocation of the Storting in May 1945, the cabinet in exile promptly resigned and a coalition cabinet headed by Einar Gerhardsen took over. Gerhardsen, a highly respected and a comparatively young man, had spent several years in Nazi concentration camps. All but two members of the new cabinet had been members of the underground resistance movement. After the general elections in October 1945, when the Labor party for the first time in Norwegian history received a majority (although only a bare majority) of the seats in the Storting, Gerhardsen formed a new cabinet made up entirely of Labor members, which continues in power to the present day.

Serving as Minister of Foreign Affairs in the cabinet in exile, in the postwar coalition cabinet, and in the present cabinet until his election to the post of Secretary General of the United Nations was Trygve Lie.

Already in London the various party leaders had agreed that, when Norway was liberated, party politics should be kept within reasonable bounds. While partisan politics is in evidence, as it should be in a democratic state, there are also evidences that the various party leaders and their followers are conscious of the need of united effort in the reconstruction period. The common program of reconstruction set up jointly by the various party leaders

is recognized by all parties. As a result the Labor party, even though in power, has not made any spectacular moves in the direction of further socialization. Later on there may be a series of real partisan contests over the question of whether the planned economy of the reconstruction period shall become a permanent part of Norwegian national life.

It is also very obvious that the Labor party, which in reality is a social democratic party, will not seek, in fact definitely opposes, any co-operation with the Norwegian Communists either in or out of the Storting.

15. Swedish political history. Not only is Sweden an old region geologically but it represents an area continuously inhabited by the same race longer than any other European country. In the opinion of leading anthropologists the modern Swedes are the descendants of the earliest inhabitants, who, more than 10,000 years ago, occupied this territory. For nearly 1200 years Sweden has been a unified kingdom. The gradual emergence of parliamentary government marked, however, by two periods of reversion to absolutism, is a significant story of democratic development.

For the purposes of a brief sketch of the growth of constitutional government in Sweden, its history may be divided into five periods: (1) the limited monarchy before 1682; (2) the first era of absolutism, 1682-1719; (3) the period of the predominance of the parliament, 1719-1772; (4) the second era of absolutism, 1772-1809; and (5) the democratic developments since the adoption of the present constitution in 1809.

16. Constitutional developments up to 1682. As in the early history of most countries Sweden about 1200 years ago was divided into many petty kingdoms. Beginning about the year 800 A.D. the consolidation into one kingdom began to be effective. It was about this time or a little later that Christianity was introduced. About 1060

A.D. the king became elective and, with the exception of the two brief eras of absolutism, his power throughout the centuries has been limited by the steadily growing importance of the Riksdag. The first great statesman of Sweden, Birger Jarl, who lived during the thirteenth century, and the father of two kings, used his influence to increase the prestige of the local assembly (ting). In the reign of his son, Magnus Ladelås (1266-1290), the clergy and the nobility were occasionally summoned by the king for consultation. The meeting of the nobles was called the Diet of Lords (*Herredager*). Besides the clergy and the nobility, two other estates were already in existence, namely, the burghers and the free peasants. In 1359, the first Riksdag to include representatives of the burghers was summoned by the king, Magnus Ericsson. It was this parliament which provided by law that the kingship should be elective. The first Riksdag to include all four estates was called in 1435 by Engelbrekt, a leader of the nobles, who was leading the nationalistic movement against the Danish kings, who under the nearly defunct Union of Kalmar were endeavoring to rule Sweden also. Because of the Engelbrekt movement the Swedish peasants never became serfs. The Riksdag as set up in 1435 has continued to this day. Until 1866 it consisted of four separate estates and has with the exception of the two absolutist interludes played an important role in Swedish history. Thus it was the Riksdag at Strangnäs in 1523 which elected Gustavus Vasa as king and in effect brought the Union of Kalmar to a close. At Västerås in 1527 the Riksdag declared the king, not the Pope, the ruler of Sweden. Several decades later it was the Riksdag which officially declared the country to be Protestant. In 1544 the crown was made hereditary instead of elective but even the hereditary status was on a parliamentary basis.

The most heroic figure in all Swedish history, in fact, one of the truly great historical personages of all time,

is Gustavus Adolphus, who reigned from 1611 to 1632. Under his leadership Sweden became one of the greatest of European powers. The increased recognition given to the Riksdag by this statesman and its reorganization under his leadership are important steps in the development of Swedish parliamentary government. For nearly two hundred years the Riksdag had played an important role, but under Gustavus Adolphus it attained still greater dignity and power. Rules of procedure were adopted and official lists of accredited members of each of the four houses were issued. The frequency of sessions depended upon the king, and a not uncommon cause for a call was a desire of the king to join hands with the lower classes against the powerful nobles.

17. *The first era of absolutism, 1682-1719.* The death of Charles X in 1660 placed his son Charles XI on the throne at the age of four. The regency, which was created and dominated by powerful nobles, entered into an era of misrule and extravagance which made it easy for the young king in 1680-1682 to join forces with the clergy, the burghers, and the peasants and decree the resumption by the crown of many grants made to the nobility. By this action the power of the Swedish nobles was forever broken. It was not difficult for Charles XI in 1682 to persuade the Riksdag to pass an act giving the king all legislative power. The Riksdag was in eclipse and yet it never disappeared from the political scene and the king did not lose touch with it entirely. Charles XI died at the age of 41 and his son, Charles XII, a lad of 15, became king in 1697. In spite of the brilliance of his military career the evils of absolutism began to be widely recognized during the latter years of the reign of Charles XII; and when he was killed in a campaign against Norway in 1718, leaving no heirs, it was a natural step for the Riksdag to resume the power it had given away in 1682.

18. *The predominance of the Riksdag, 1719-1772.* The Riksdag made the sister of Charles XII queen and later, her husband, a Hessian prince, king under the title of Frederick I but with the clear understanding that both would renounce absolutism, which they promptly did. A new constitution approved by the Riksdag in 1719 left the royal power very weak. The king was made subject to a council of 17 and the council in turn was responsible to the Riksdag. Sweden had had a council before but during the absolutist period this agency had been the instrument of the king rather than his supervisor. In reality Sweden was now almost a republic and the people almost forgot that there was a king. In the Riksdag of this period the nobility (now controlled by the lower nobility), the clergy, and the burghers were in control. Strangely the peasants, owing to their royalist leanings, which had developed not so much from love of royalty as hatred of the nobles, were under suspicion and did not have great influence on the Riksdag.

Inevitably, the predominance of the Riksdag brought political parties to the front. Unfortunately for parliamentary supremacy in Sweden, the clashes between the "Caps," led by Arvid Horn, and their opponents, called the "Hats," inaugurated an era of acrimonious partisanship. Horn's followers, owing to the desire to stay at peace with Russia, were dubbed "nightcaps" by their opponents, who favored a vigorous foreign policy including an alliance with France against Russia. Disputes over domestic policies further embittered the party contests. In spite of these difficulties this period saw the enactment, in 1734, of a new general code of laws which with some change is still in force, and which is classed as one of the masterpieces in world jurisprudence. The development of the committee system in the parliament was another contribution of this era of liberty.

19. *The second era of absolutism, 1772-1809.* When the able Gustavus III came to the throne in 1771 he

found a country disgusted with party strife. By a bold *coup d'état* he proposed a new constitution restoring much of the royal power. This proposal was unanimously adopted by the Riksdag. The king and the Riksdag now shared the legislative power but the king's council was responsible to him alone. The early years of the reign of Gustavus III were marked by many desirable reforms such as religious toleration and freedom of the press. In 1789, however, a second *coup d'état* made the king absolute. The revolution in 1772 had been a peaceful one: in 1789 it was really a revolution by force, although violence was limited to the king's action in arresting some of the nobles who opposed the change. The lower three estates approved the proposed constitutional change. Under it the king was to fix the size of his council. Desirous of discontinuing this agency he fixed the size at zero—which meant that after 500 years of history the king's council disappeared from the Swedish governmental picture.

The king's unpopularity with the nobles led to his assassination in 1792 and his young son Gustavus IV took the throne under a regency which continued for four years, when the young king assumed the powers of government himself. Less gifted than his father he found himself at the head of a governmental system contrary to the revolutionary spirit of the day. The Swedish absolutism reborn in 1789 was now faced with the influences of the French Revolution, which burst forth in the same year. Reverses to the Swedish military forces added to the unrest and in 1809 Gustavus IV was made the scapegoat. He was deposed and exiled by the Riksdag and his uncle (later chosen king) was made regent. Thus, the second era of absolutism, brought into full bloom in 1789 by Gustavus III ended ingloriously twenty years later by the deposition of his son.

20. *The constitution of 1809.* Immediately upon the deposition of the king the Riksdag proceeded to the task

of drafting and adopting a new constitution, which would avoid the pitfalls which twice had permitted absolutism to take root on Swedish soil. On June 5, 1809 the new constitution was adopted by the four estates of the Riksdag and was accepted on the following day by the new king, Charles XIII. This document, with amendments, is the constitution now in force in Sweden, and its origin, only twenty-two years after the adoption of the constitution of the United States, makes it one of the oldest written constitutions now in force anywhere in the world.

The new constitution contained the essence of parliamentary government in the provision that the king could issue no valid order without the countersignature of the newly established council of state. The members of the council, while appointed by the king, were to be responsible to the Riksdag. Within this limitation the king was given wide executive power. The power to tax was vested in the Riksdag while the legislative power was vested jointly in the king and the Riksdag. Judicial power was vested in the already existing Supreme Court. Guaranties of personal civil liberty were included in the constitution.

21. Constitutional developments since 1809. The union with Norway lasting from 1814 to 1905 makes up an important chapter of Swedish political history. As this has already been discussed in connection with Norwegian history any elaboration at this point would, therefore, be repetitious. The dissolution of the union left no important marks on the Swedish constitutional system.

Because Charles XIII was childless the Riksdag chose the French Marshal John Bernadotte as crown prince. Although he did not become king as Charles XIV, John, until 1818, was the virtual ruler during the last years of Charles XIII. From 1818 to date the Swedish throne has been occupied by the Bernadotte family. In general, the Bernadottes have been sympathetic toward democratic movements. This has been especially true of the last

three monarchs Charles XV (1859-1872), Oscar II (1872-1907) and Gustav V (1907 to date).

The first Bernadotte, however, was reactionary in his attitude toward democratic processes. In other respects he was a brilliant leader and a statesman who really regenerated Sweden. But he shared the fears which the kings of his day felt for innovation, and in the earlier part of his reign he was the center of a conservative group which mirrored the reaction, which, in general, followed the Napoleonic period in Europe. Beginning about 1830 the liberal opposition became very strong, and freedom of the press was recognized: by 1840 the king was compelled to appoint liberals to his council. The outstanding change since 1809 has been reorganization of the Riksdag, which took place in 1886. At that time a two-house parliament took the place of the four estates which, since the Riksdag of Arboga in 1435, had been the basis of the four-chamber parliament. The proposal for change received the unanimous vote of the peasants and an almost unanimous vote of the burghers. After several days of debate the nobles (the movement for change was led by a member of the nobility) accepted the proposed change by a divided vote, after which the clergy also voted favorably. Eligibility for membership in both houses was restricted by age and property qualifications, with lower qualifications for the lower house (Second Chamber) than for the upper (First Chamber). About forty years later the qualifications were lowered and the distinction in qualifications between the two houses greatly lessened. Further discussion of the organization and functions of the modern Riksdag will be found in a later chapter.

Political parties first functioned actively during the Hat and Cap period (1719-1772) and some evidence of party organization appeared after 1809. It was not until 1866, however, that the political party in the real sense found an important place in Swedish politics. Today it can be properly said that Sweden has a party government.

The broadening of the suffrage has been another demo-

cratic movement. In 1866 suffrage for parliament was restricted to males with an annual income of 800 crowns or more. Today Sweden has universal adult (over 21 years of age) suffrage. General manhood suffrage was introduced in 1909 and in 1921 came votes for women. The system of proportional representation was inaugurated in 1909. In 1918 all property qualifications for local suffrage were abolished. As in other parliamentary democracies the cabinet responsible to the Riksdag has grown in importance, until today it is the center of the governmental machine. The cabinet is responsible to both houses of the Riksdag but there is no formal procedure for the fall of the cabinet. Usually a cabinet resigns when it is clear that a parliamentary crisis has been reached owing to the inability of the cabinet, through its party, or coalition of parties, to lead the Riksdag. The dissolution of the Riksdag seldom occurs. This means that sudden and numerous cabinet changes are scarcely the style in Sweden and this in spite of the multiparty system.

The constitution of 1809 (still in force) provides, in addition to the constitution itself, three other parts of the fundamental law: (1) the law organizing the Riksdag, (2) the law of succession to the throne, and (3) the law regarding the freedom of the press. All parts of the fundamental law are to be changed only by the procedure by which the constitution proper is amended. Thus, the fundamental law of Sweden consists today of four parts: (1) the constitution of 1809, (2) the law of succession of 1810, (3) the law of the freedom of the press of 1812, and (4) the laws reorganizing the Riksdag enacted in 1866. Hence, it would not be improper to say that these four documents together constitute the written constitution.

During World War II, possibly because of diplomatic pressure from the Nazis, an amendment allowing censorship was proposed to the law of the freedom of the press. The amendment was reluctantly adopted but as soon as

the war was over it was repealed. As a matter of fact the amendment never actually went into effect, owing to the slowness of the amending process as provided in the constitution.

The Swedish constitution (including the aforementioned fundamental laws) may be amended by a majority vote of each house of the Riksdag in any ordinary session plus a second similar vote in any ordinary session of the Riksdag following the next popular election for the lower house. The king, in theory, must approve such an amendment as he must also approve all legislation. In practice, the Swedish king has scarcely used the veto power since the adoption of the two-house Riksdag.

As a result of these developments Sweden today has in every respect, a parliamentary government. In outward form it is a limited monarchy; in practice a thorough-going democracy.

22. *Sweden and World War II.* Sweden remained one of the few neutrals during World War II. After the invasion of their respective countries the Danes and Norwegians at first had some feeling that Sweden should join in the war against the Nazis. Later, however, her Scandinavian neighbors began to realize that Sweden could probably be of more real help to them by remaining neutral than by risking complete subjugation by the then powerful German war machine. The postwar sentiment in Scandinavia seems to be that Sweden was wise, and fortunate, to remain a neutral. It is clear that Swedish sympathies were with the allied cause. Within Sweden itself the government's policy of neutrality met with almost universal acceptance as did also its rearmament program.

When World War II began, the Social Democratic-Agrarian coalition cabinet under the premiership of Per Albin Hansson, himself a Social Democrat, was in power. A few months after the outbreak of the war a national coalition cabinet was set up which included representatives

from the leading parties but with a plurality of Social Democrats. Hansson continued as premier. This cabinet stayed in power until August 1945, when a cabinet made up solely of Social Democrats was set up under Hansson's leadership. - This cabinet is still in power, but the death of Hansson in October 1946 brought Tage Erlander into the leadership of the party and to the position of premier.

The two regularly and constitutionally scheduled general elections to the lower house were held, and on time, during the war period; the first in 1940 and the second in 1944. As the time for the 1940 elections approached, some of the minority parties, because of the European War crisis, expressed willingness to postpone the contest, even to the extent of ignoring the constitutional provision for quadrennial elections. This remarkable expression of confidence by the smaller parties in the largest party, the Social Democrats, was countered by an equally public-spirited stand by the leader of the Social Democrats, Prime Minister Hansson, who insisted that the democratic processes of a popular election be continued. The prime minister's view was accepted by all parties, since it was felt by all leaders that, after all, it would be an indication of faith in the democratic processes for the parliament to go to the people in time of stress. All were agreed also that the parties which would, in normal times, be in opposition should continue as vital going concerns.

Because of the comparatively happy interparty feeling, the 1940 contest has sometimes been referred to as a "gentlemen's election." It was agreed not to use posters, and the usual loud speakers on motor trucks were also not employed. The campaign was remarkably free from vituperation and mudslinging. Each party, however, campaigned in a dignified manner for electoral support for its respective candidates. The balloting gave the Social Democrats 134 seats out of the 230 in the lower house. This is the highest number of seats ever held by the party in its history. In the 1944 election the Social

Democrats lost some seats but they were still the plurality party and continued in power.

Another election of importance, which also took place during the war period, was the local and provincial quadrennial election of 1942. This election is always of importance, nationally as well as locally, because the members of the upper house are elected (one eighth each year for an eight-year term) by the members of the popularly elected city and county councils. In 1942 the results indicated that the Social Democratic candidates received about 50 per cent of the votes cast for local offices, with its nearest competitor receiving only 18 per cent. Four years later the 1946 local elections showed a decrease in strength on the part of the Social Democrats but, even so, they were still by far the largest party in Sweden.

Sweden is experiencing some of the difficulties that a postwar period usually brings even to a neutral. Faced by a variety of economic problems, the Erlander cabinet finds itself lacking the confidence of the people so long enjoyed by the cabinets under the late Premier Hansson's leadership. Erlander is endeavoring, without complete success, to enlist all parties in a program relative to foreign policy, capital investments and the new national budget, as a part of the proposed planned economy. The whole matter of further socialization is a very live issue. This was especially true as the time for the general elections (September 1948) approached. For the results of these elections see the tabulation in Chapter III.

23. *Succession to the throne in the Scandinavian countries.* It is interesting to note that the rules for succession to the throne are the same in each of the three countries. The succession is agnatic—that is, the throne can be inherited only by males through males—and the principle of primogeniture is followed. If the crown prince should die before his father, the prince's eldest son succeeds, and if the prince has no male heirs, his oldest brother (or his

oldest male heir) becomes king. If there are no male descendants the throne goes to the king's oldest brother (or his oldest male heir). A male child born after the death of his father takes his place in the line of succession. In no case may a woman occupy the throne: neither may a man who inherits through his mother only. Using a few words from the Norwegian constitution we may say that the succession is "lineal and agnatic, * * * the nearer line precedes the more remote, and the elder in the line precedes the younger." In Denmark and in Sweden also the rules of succession are prescribed in the constitution. In all three countries it is also provided that, in case there is no legal heir when the throne becomes vacant, the parliament shall choose a new king.

The position which the king holds today in each of the three Scandinavian countries is described in the first chapter of this volume. His relation to other government agencies is made clear at various points throughout the volume.

24. *Titled nobility.* In Norway the constitution of 1814 (still in force) prohibited the creation of any new nobility and in 1821 the Storting enacted legislation which abolished all titles and all privileges attached to them. In Denmark about 220, and in Sweden about 900, families are listed in the various ranks of the titled nobility (*adel*). Of these families a number reside in other lands. In both countries, however, no special legal privileges of any importance go with these titles, which nevertheless are of social importance. A provision in the Swedish constitution of 1809 (the present constitution) to the effect that no rights shall be taken away from the nobles without their consent did not prevent the abolition of special privileges, for the reason that the nobles were foresighted enough to accept the changes which advancing democracy demanded.

CHAPTER III

PARTIES AND ELECTIONS

Like all modern democratic nations, each of the three Scandinavian countries carries on its government with the help of active and vigorous political parties. Unlike the United States with its two-party system, the three northern democracies resemble France and Switzerland in possessing a multiparty system. There are many striking resemblances between the parties of Denmark, of Norway, and of Sweden, and on later pages some interesting comparisons will be made. As each system, however, has developed—and now exists—entirely independent of the others—except for such indirect and minor influences as may cross the international boundaries—it is impossible to give a true picture of the party situation in the three lands without a brief separate description of each.

1. *Danish political parties.* Four parties are significant: (1) the Conservative, (2) the Liberal Left (*Venstre*), (3) the Radical Left (*Radikale Venstre*), and (4) the Social Democratic. The first two are parties of the right and make up the bulk of the opposition to the present government. The last two work often together. The present cabinet, formed November 12, 1947, is made up of Social Democrats with the leader of that party, Hans Hedtoft, as premier. For the first time since 1924 the Danish cabinet includes a woman, Miss Fanny Jensen. The Justice Union, made up of followers of Henry George, has 6 seats, while the Communists have 9—which is exactly one-half the number held as a result of the previous election in October 1945. In the election of October 1947 the popular vote for Communist candidates

dropped to one half of that received in 1945 and the number of seats in the Folketing decreased in the same proportion. The lone representative from the Faroe Islands is a member of no political party. The Social Democrats lead with 57 seats as compared with 48 after the 1945 election, the Radical Lefts have 10 seats as against 11 previously. The Conservatives and the Liberal Lefts have 17 and 49 respectively as against 26 and 38 respectively before the 1947 election.

Even before the end of the absolutist era the political parties had begun to take form in connection with the elections to the regional estates assemblies. By 1835 two groups, (1) the Conservatives favoring the continuance of absolutism and (2) the National Liberals favoring a free constitution, were in existence. By the time of the adoption of the June constitution in 1849 there were three well-defined groups: (1) the Conservatives, made up of the landlords and wealthy group; (2) the National Liberals, representing the middle classes, especially of the cities and towns; and (3) the Agrarian (*Bondevennerne*), interested in land reform and coming mostly from the rural areas. Each of these three groups had about one third of the delegates in the constituent assembly of 1848. For almost two decades after this the question of Schleswig and Holstein colored all party contents, with the Conservatives favoring the complete amalgamation of the two duchies while the National Liberals supported the Eider policy—namely that Schleswig only, whose southern boundary was the Eider, should be incorporated with Denmark. After the loss of both duchies in 1864, for which the National Liberals, who were in control, were blamed, the Conservatives and the Agrarians united to bring into being the more conservative July constitution of 1866. It was not long, however, before this alliance was discontinued and the Agrarians broke away to become the party of the Left and the direct forbears of the present Liberal Lefts. The Conservatives and National Liberals united about 1870 to become

the Right, which today is continued in the modern Conservative party.

For about thirty years there was a bitter struggle between the Rights, who controlled the Landsting (indirectly elected), and the Lefts, who already by 1872 had gained a majority in the popularly elected Folketing. The king continued to select his ministers from the Right, in spite of Leftist victories in successive Folketing elections. When the big Left majority refused to approve the budget the prime minister and the king declared a "provisional budget," and this procedure, smacking strongly of the dictatorial, was followed for several years. After the Folketing election of 1892 the more moderate of the Lefts began to co-operate with the Right, but in the 1898 elections the Lefts without the aid of the Moderates won a clear majority of seats.

When in the next election, which occurred in 1901 and which witnessed the introduction of the secret ballot, the Lefts secured 76 seats in the Folketing as against 16 for the Moderates and 8 for the Right (the Social Democrats secured 14 seats), the king reluctantly selected the first Left cabinet. What was more important than its party color was the fact that the cabinet was selected for the first time in Danish history unequivocally on the grounds that it represented the majority of the Folketing. Since that time cabinets in Denmark have, except in a few unusual instances, represented the party or coalition of parties in control of the lower house. In 1909 because of factions in the Left group the Left prime minister resigned after a vote of lack of confidence on the part of the Folketing. This resignation, the first of its kind in Danish history, marked another long advance toward full parliamentarism.

In 1905 the more radical members of the Left, representing the smaller landholders and certain professional and intellectual groups in the cities and towns, split with the party and organized the Radical Left party. It was not long before this new party found itself in closer sym-

pathy with the Social Democrats than with their more conservative former political colleagues among the Lefts, with the result that the two ministries of Zahle, the leader of the Radical Left (1909-1910 and 1913-1920), and the Stauning ministry of 1924-1926 were supported by the coalition of the Radical Lefts and the Social Democrats. As noted above, the present cabinet is based on the same coalition.

When the Radical Lefts sought companionship with the Social Democrats, the Liberal Lefts, now more conservative, joined hands with their traditional enemies of the Right (now called the Conservative party) with the result that from 1920 to 1924 and from 1926 to 1929 the cabinet was based on a coalition between these two groups.

While the ministry is responsible only to the Folketing, the Landsting must approve all legislation and it was not until the Landsting elections of September 1936 that the Liberal Left and Conservative coalition, with 37 members, lost control to the Radical Left-Social Democrat combination, which then had 38 seats in the upper house.

As indicated in the above brief sketch, the party of the Liberal Left has had a colorful and varied history. After many decades of existence as a real left party it has now become a party of the right. Beginning about 1870 it stood for nearly forty years as the champion of parliamentary government and is responsible as much as any force in recent Danish political history for the parliamentarism which now exists. Parliamentarism is now accepted by all parties, but the task of using it to bring about social reforms has been taken over by the parties to the left of the Liberal Lefts. The party of the Liberal Left is the direct political descendant of the Agrarian group (Bondevennerne) first organized nearly a century ago. Beginning in the seventies it lost for a time the support of its more moderate members, who organized as a separate group under the name of Moderate Lefts. After several decades of separation the Moderates were

reunited with the mother party about 1910. This reunion came about shortly after the secession of the Radical Lefts and marked a decided conservatizing effect upon the Liberal Left party. Throughout its history, especially previous to 1910, it was often torn by the factionalism which a large majority often experiences. In 1935 a small segment of the party representing certain agrarian interests broke away to form the Free People's party, sometimes called the Peasant's party.

The Liberal Lefts were in office during the postwar period, from November, 1945, to November, 1947. Although the Liberals had only 38 seats in the Folketing out of a total of 149, their leader Knud Kristensen became premier of a minority ministry, which lasted until the 1947 elections gave increased representation to the Social Democrats. Today the Liberal Left, representing mainly the farmers, landowners, and business and professional groups, stands for the present bicameral system, for the union of church and state, for a strong defense, and for individualism as opposed to socialism. The Liberal Lefts are less nationalistic than the Conservatives.

The present Conservative Party is the direct political descendant of the Conservative group which first came into existence over a hundred years ago. Its history has been less varied and colorful than that of the Liberal Left. It has regularly been a minority party but co-operated for many years with the Moderate Lefts. Although years ago it used its influence against the advances of parliamentarism it now stands, as do all parties, as its supporter. Today it represents the large landowners and the business and financial interests of the cities. Its program is somewhat to the right of, but not vastly different from, that of the Liberal Lefts. In foreign affairs it is the most nationalistic of the Danish parties and it favors a protective tariff.

The Radical Left party has since its founding in 1905 always been a minority party. Its program lies between that of the Liberal Left and that of the Social Demo-

cratic. It favors social reforms and direct rather than indirect taxation. As indicated above it represents the small landowner and the more liberal intellectual and professional classes. Like the Social Democrats it favors the abolition of the Landsting.

The Social Democrats first appeared in the Folketing with two members in 1884 and it was not until 1898 that they controlled as many as an even dozen seats. They have had a steady growth and since 1924 have come out of each election with the plurality of seats in the Folketing; never, however, have they had a majority. In 1929 they joined with the Radical Lefts to form a coalition ministry under the premiership of Stauning, the brilliant Social Democrat, which lasted until well into the Nazi occupation. When Stauning died in 1942, the premiership was taken over by Vilhelm Buhl, who later cooperated with the resistance movement and who headed the coalition ministry which was set up at the time of the liberation in May, 1945.

As indicated in an earlier paragraph this ministry resigned after the elections of October 1945, to be replaced by the Liberal Left cabinet of Kristensen. It was in the 1945 elections that the Social Democrats won the lowest number of seats (48) which they had held since 1920. Early in October 1947 a motion of lack of confidence in the Kristensen ministry was passed and the result was a general election late that month. It was in this election that the Social Democrats showed increased strength and in November they took power under the premiership of Hedtoft.

While the Social Democrat party represents mainly industrial workers and is the political expression of the trade unions it is also closely connected with the consumers' co-operative movement. It has many followers outside the cities and towns among the small landowners and the agricultural laborers. Universal disarmament and co-operation with the United Nations are parts of the party program, which also calls for the government con-

trol of industry, the welfare of the laboring classes, the division of large estates, and the abolition of the Landsting. The vigorous opposition to the Social Democrats on the part of the Danish Communists who are members of the Third International indicates that the former are not extremely radical. In fact the Social Democrats might be characterized as a moderate, constitutional, socialist group.

An extremely nationalistic group, *Dansk Samling*, gained a few seats in the 1943 and 1945 elections but failed to get any representation in 1947.

The following table shows the relative strength of the parties in the elections beginning with 1920. It should be remembered that one fourth of the Landsting is chosen by the indirectly elected members of that body and that only one half of the membership is elected every four years for an eight-year term.

2. *Norwegian political parties.* Almost immediately after the separation from Denmark in 1814 there came signs of party activity, but these did not become pronounced until the 1830's. It was during this decade that a peasant party, which for many years played an important part in a series of "peasant" storting, was formed. At times the peasant group attained almost a majority in the parliament. The peasants stood for a parliamentary government and in strong opposition to the king (of Sweden and Norway). On the other side were the conservative interests opposing parliamentary advances and leaning toward the continuance of royal prerogatives. In fact, the whole political picture up to 1905 was distinctly colored by the relationship with Sweden.

In 1869, the Liberal party appeared and took up the work begun by the peasant group, which it practically displaced, and in the elections of 1882 won 83 seats to 31 for the Conservatives. After much opposition the king appointed a Liberal cabinet in 1884, headed by Sverdrup. This was a most significant step toward parliamentary government, and from that date to the present the Nor-

DANISH FOLKETING

	April 1920	July 1920	Sept. 1920	1924	1926	1929	1932	1935	1939	1943	1945	1947
Social Democrats	42	42	48	55	53	61	62	68	64	66	48	57
Liberal Lefts	49	52	52	45	47	44	39	29	30	28	38	49
Conservatives	28	26	27	28	30	24	27	26	26	31	26	17
Radical Lefts	17	16	18	20	16	16	14	14	14	13	11	10
Justice Union .....	.....	.....	.....	.....	2	2	4	4	3	2	3	6
Free Peoples .....	.....	.....	.....	.....	.....	.....	.....	5	4	2	0	0
Communists .....	.....	.....	.....	.....	.....	.....	2	2	3	0	18	9
Dansk Samling .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	4	0
National Socialists .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	0	0
Others * .....	.....	.....	.....	1	1	1	1	1	2	1	1	1

* Includes Schleswig party and independents from Faroe Islands

DANISH LANDSTING

	1920	1924	1928	1932	1936	1939	1947
Social Democrats	22	25	27	27	31	35	33
Liberal Lefts	33	31	28	28	21	18	21
Conservatives	13	12	12	13	15	13	13
Radical Lefts	8	8	8	7	7	7	7
Free Peoples .....	.....	.....	.....	.....	1	1	.....
Communists .....	.....	.....	.....	.....	.....	.....	.....
Faroe Islands .....	.....	.....	1	1	1	1	1

wegian cabinet has been chosen on the basis of the party, or coalition of parties, controlling the Storting.

From 1884 up to the time of the short-lived first Labor cabinet in 1928 the prime minister had always been either a Conservative or a Liberal, with the Liberals in power 28 years and the Conservatives 16. Of the 21 years from 1884 to the time of the separation from Sweden in 1905, the Liberals held the reins during 12. Of the 43 years since 1905 the Liberal premiers have held office 21 years, the Conservatives 7. There has been no Conservative nor Liberal cabinet since 1935 although members from both parties participated in coalition cabinets from 1940-45.

With the rapid growth in recent years of the radical Labor party and with the appearance in the 1920's of the more conservative Agrarian party, which was recruited, in part at least, from the Liberals, the latter has been relegated from its place of pre-eminence to the position of a minority group. Not since the days of Premier Knudsen, perhaps the greatest recent leader of the Liberals, whose premiership, lasting through World War I and the post-war period, ended in 1920, have the Liberals controlled a majority of the Storting. Their many sweeping electoral victories such as those of 1884, 1897, and 1912 are not being repeated. A cause, as well as an effect, of this decrease in the power of the Liberal party is its gradual movement toward conservatism. While it does not officially co-operate with the Conservatives it has much more in common with them than with the Labor party. Like the Liberal party in Denmark, the Norwegian Liberal party has indeed had a colorful career. Shortly after its great victory in 1884 the party lost its more moderate members, who organized a separate party, which merged with the Conservatives about 1900. In 1909 another secession of conservatives took place when the Independent Liberals were formed.

Today, in spite of its leaning toward conservatism and its opposition to socialism, the Liberal party is in many

respects liberal. It favors slow and gradual political and economic reforms and retains in diluted form its interest in progress through the use of democratic processes. It stood in the 1920's as the champion of national prohibition and on this point was in direct opposition to the Conservatives.

At the extreme right among the present parties stands the Conservative—the direct descendant of the groups which during the nineteenth century opposed advances toward parliamentarism. Now, of course, it is a firm believer in the parliamentary system but opposes governmental interference in industry. It is the most outspoken of all the large parties in its opposition to the socialism of the Labor party. Second in strength only to the Labor party, it has repeatedly urged close co-operation with the nonsocialist parties in the fight against the increasing power of the Laborites. It maintains vigorously that it is not a class party such as the Agrarians and the Laborites, and is critical of the Liberals for not recognizing more clearly the need for closer co-operation between Conservatives and Liberals.

The Labor party had its beginnings in 1887. It soon became a socialistic group and came to be known as the Social Democratic party. The leftist character of the group will be recognized when one learns that it joined the Third International shortly after World War I. This action, however, soon caused a split in its ranks and in 1921 two socialist parties resulted: (1) the Social Democrat party, which refused to recognize the Third International; and (2) the Norwegian Labor party, which continued its connections with Moscow. Two years later the Labor party split again into the Labor party and the Communist party. In 1927 the Labor party and the Social Democrats united into the Labor party of today, which is a member of neither the Second nor the Third International. It is, nevertheless, the most radical of any Labor party in Western Europe. Its opponents have bitterly attacked it as a foe of democracy. In the

1933 campaign, as in 1936 when the Laborites made gains, their opponents called themselves defenders of the democratic process. The strong support given the Labor party by the Norwegian people, who are by nature lovers of democracy, would indicate, however, that the charges by its critics that it is leading Norway toward dictatorship are without foundation. Like all Norwegian parties it is nationalistic in viewpoint, although less so than the parties farther to the right. Appealing strongly to the industrial workers, it receives, nevertheless, much support outside the large cities. In the election of 1927 and in each election since, the Labor party has secured a plurality of seats, usually a large plurality, but it was not until 1945 that the party secured exactly enough votes, 76, to give it a majority.

The first Labor government in 1928 lasted only a fortnight, but when Nygaardsvold organized a labor cabinet in 1935 it marked the beginning of labor dominance, which has lasted to this day. To be sure, the cabinet in exile during the occupation and the coalition cabinet which was in power during the early months of the liberation both included nonlabor members; but in both cases the labor members, including Premier Gerhardsen the present premier, were in a dominant position. As already pointed out in an earlier paragraph, the present cabinet, which took office in November 1945, is made up entirely of Labor members; and, to repeat an earlier statement, the Labor party is anti-Communist.

The Agrarian party, as the name indicates, is a farmers' organization, which receives very little support in the cities and towns. As is often the case with an agricultural group, it feels a greater attraction for conservatism than it does for the more radical social programs of the parties of the left. From 1931 to 1933 two Agrarian premiers were in office but in each election since then the party has lost seats in the Storting. In the 1945 election it dropped to the status of a minor party with only 10 seats. The decrease in the support of the Agrarians is explained by

the fact that they were the only party in the election which was suspected of having leaned in the direction of collaboration during the Nazi occupation.

The Communists gained 6 seats in the 1924 election. In 1927 their representation dropped to only 3. In spite of active campaigning in the next three elections they failed to win a single seat. In the 1945 election, however, the Communists made marked gains, winning 11 seats in the Storting.

The most bitter opponents of the Communists during the twenties and thirties was the National Union party led by Vidkun Quisling and really a fascist organization. At no election did this party win any seats. Another small group, the Commonwealth party, held one seat in the thirties. It was strongly antifascist, although it was by no means in sympathy with the Labor program.

An interesting party which made its appearance in the thirties is the Christian People's party, which secured only 1 seat in 1933 and 2 in 1936 but which made a surprising showing in 1945 by increasing its popular vote fivefold over 1936 and winning 8 seats. This party advocates the application of Christian principles to modern politics.

As indicated in the opening chapter of this volume there is in Norway a controversy over languages, or rather, over two forms of one language. As previously stated it revolves around the amount of Danish influence on the Norwegian, which it closely resembles, that shall be recognized. To an outsider this seems like a trivial matter but at times the issue gets into politics. The parties seeking support from the rural areas are likely to include in their political creeds a statement of support of the Landsmaal, or national language, as opposed to the Riksmaal, which is close to the Dano-Norwegian. In fact, one ministry several years ago is said to have fallen because of its support of the Riksmaal.

In spite of the fact that Norway has the most extremely socialistic cabinet of any democratic government, there are no indications that this country is on the way to anti-

parliamentary procedure. The Labor party is popular not because it is extremely radical but because it has realistically attacked the problems of relief, recovery, labor legislation, and tax reform. Regardless of whether this realistic approach has always been accompanied by the best methods of procedure—and on this there is wide difference of opinion—the Labor party enjoys, for the present at least, the confidence and respect of the common people of Norway.

The following table shows the relative strength of the parties in the Storting beginning with the 1921 elections. The Conservative figures include the seats of the Independent Liberals, who, especially since 1927, have co-operated closely with the Conservatives. With the Liberals are included the seats of the Radical People's party, which usually holds only 1 or 2 seats and is virtually a part of the Liberal party.

PARTY STRENGTH IN THE NORWEGIAN STORTING

	1921	1924	1927	1930	1933	1936	1945
Labor	29	24	59	47	69	70	76
Conservative ¹	57	54	31	44	31	36	25
Liberal ²	39	36	31	34	25	23	20
Agrarian	17	22	26	25	24	18	10
Social Democrats	8	8	.....	.....	.....	.....	.....
Communists .....	.....	6	3	.....	.....	.....	11
Commonwealth .....	.....	.....	.....	.....	1	1	.....
Christian People's .....	.....	.....	.....	.....	1	2	8

3. *Swedish political parties.* The modern party system in Sweden really began with the abolition of the four estates in 1866 and the accompanying establishment of the present two-house parliament. As indicated in an earlier chapter, Sweden had witnessed party activities in the era of parliamentary dominance (1719-1772), but

¹ The Conservative party is called *Höire* (literally meaning the Right) but it is loosely translated "Conservative."

² This party is called *Venstre* (literally meaning the Left) but it is loosely translated "Liberal."

there is no direct relationship between the "Hats" and the "Caps" of that period and the modern parties. Neither is there any direct lineage from the present parties to the partisan groups which began to appear after 1809 and which up to 1866 might be loosely classified as liberal and conservative. The four estates, too, in a sense, constituted previous to 1866 four separate political groups, but there were evidences of liberal and of conservative lines which occasionally crossed over estate lines.

Almost immediately after the convening of the first two-chamber Riksdag two groups began to take form: one, which came to be called the Ministerial party, supporting Baron De Geer, the first prime minister; the other in opposition. The latter, drawing much of its membership from the rural areas, where, in the immediate past, De Geer had received great support as the leader of the movement for the new two-house Riksdag, adopted the name which had been first used by the ministerial group to describe it, namely *Lantmannapartiet* (loosely translated as the Agricultural party). The Ministerial party, later called the *Intelligensen* and from 1873 reconstructed as a Centrist party, continued to exist until the nineties, but after 1888 was of no great consequence. From 1867 to 1888 this group on the one hand and the Lantmanna party on the other constituted the two strong organized parties. At first leaning toward conservatism, the Lantmanna group moved leftward for a time but during the eighties turned back toward the right.

Beginning in the eighties one of the chief issues was the protective tariff, with the Lantmanna party becoming very largely a protectionist group. When in 1888 the policy of protection was adopted (a policy which in lessened form is in vogue at the present time¹), the Lantmannas split for a number of years into two groups, the

¹ The Swedish tariffs of today, averaging about 10 per cent, might be said to be used for revenue purposes rather than for protection.

protectionists, called the New Lantmanna party, and the free traders, known as the Old Lantmanna party, but in a few years (in 1895) the two wings were reunited. About 1900 a Liberal Union group was formed which together with a People's party, organized in 1895, and the new Social Democratic party, which appeared in the nineties, formed a loosely bound opposition to the Lantmanna group. In 1906 a large and influential portion of the Lantmanna Party seceded to form the National Progress party. The latter, however, worked very closely with the parent group. In the early years of the century the question of the relationship with Norway was a burning one, cutting across party lines. Later the issues concerned electoral reforms, with the liberal groups, in general, favoring a broadening of the suffrage. For proportional representation, however, there was much support also from the right.

In 1912 the Lantmanna and the National Progress parties united to form the present Conservative group. Since that time the multiple parties of Sweden might be roughly divided into three groups from right to left: (1) the Conservative, (2) the Liberals or Lefts including the Agrarians, and (3) the Social Democrats.

At the risk of being slightly repetitious we shall now sketch very briefly the history of the present parties. The Conservative group of today is, in a sense, not a single party but a combination of several organizations of the right. In substance, however, this group (in Swedish called *Högern*, literally, the "Right") is so closely bound together and so clearly united in purpose that it will be referred to as the Conservative party. It is almost a direct descendant of the great Lantmanna party, which is rightly called the first modern political party in Sweden. The methods and organization of the Lantmannas are still studied with great care by those interested in these matters. Losing members on some fronts, gaining them on others, suffering at intervals from factionalism and schisms, the Lantmanna party and its modern successor,

Höger, have for more than fifty years represented the conservative opinion of Sweden. Today the Conservative party stands for individualism as opposed to collectivism and opposes the domination of labor by the trade unions. It favors the protective tariff and adequate defense. While the party accepts and approves the parliamentary system it does have greater leanings toward a monarchy than has any other Swedish party. Among the parties it is the strongest supporter of the church and is interested in Christian education.

The present People's party is, from the standpoint of formal organization, very young indeed, having been organized as recently as 1934. In reality, however, it is a reunion of two parties which split apart in 1923, after two decades or more of active existence as a Liberal Union party. The schism of 1923 came about as a result of the question of prohibition of alcoholic liquors. The advocates of prohibition became known as the Independent People's party (*Frisinnade Folkeparti*), while the remainder of the old Liberal Union continued under the name Liberal party. Up to the time of the reunion in 1934, the Independent People's party was by far the stronger of the two, but in spite of this situation the question of prohibition does not play a prominent part in the program of the new fusion. Today the People's party stands between the conservatism of the right and the Social Democratic program of the left. Representing no class group, its name, People's party, is appropriate. It is the champion of private enterprise and small industry, opposes monopolies either state or private, and advocates free trade and low tariffs. The party voices objection to the list system of proportional representation now in use, on the grounds that under this system the personality of the candidate is lost sight of in the interests of the party lists. In some of the literature in English the name Liberal is often used to designate the People's party.

It is reasonable to say that the People's party is, after splits and reunions, virtually the Liberal Union party of

several decades ago. This means that the Agrarian party, organized in 1913 without any definite party ancestry, is the youngest of the nonsocialist parties of Sweden. From the beginning it has stood regularly as the farmers', or agricultural, party and has enjoyed a steady increase in the popular vote and in the number of seats in the Riksdag. It represents all classes of farmers, but in recent years it has emphasized, more than it did earlier, measures for the welfare of the small farmer and the agricultural laborer, such as the development of farm credit subsidies for housing of rural workers and the reduction of farm taxation. Sympathizing with the parties of the right in matters of protection and national defense, it was found previous to 1933 in opposition to the Social Democrats. Since that time its interest in certain social reforms has developed a feeling of friendliness toward its old foes, even participating for a period just before the opening of World War II in a two-party coalition cabinet with the Social Democrats.

The Social Democrats (known up to 1923 as the Social Democratic Labor party) were organized in 1889. The party developed out of a number of socialist societies which had sprung up during the eighties under the stimulus of the intellectual leadership of Hjalmar Branting, who was destined to become the outstanding socialist leader of modern Scandinavia and three times prime minister of Sweden. From the very beginning the party has had a steady growth, but the increase in its popular vote and in the number of its parliamentary seats since 1920 has been a most significant political phenomenon. As is frequently true of parties of the moderate left it has suffered secessions to and accretions from the extreme left. In 1919 the left wing of the party seceded to form the Left Socialist party. Some of these returned to the parent party in 1922 after the Left Socialists had joined the Third International. In 1926 the Social Democrats were joined by the right wing of the Communists. Today the Social Democrats constitute a moderate constitutional

socialist group. It stands as the champion of the lower economic classes and hopes by parliamentary means to bring about the political control of all industry and to inaugurate a well-rounded system of labor legislation and social insurance. From the beginning, it has been closely associated with the trades union movement. The bulk of its voting strength comes from the cities and towns. In its foreign policy it favored strict neutrality and strong defense during World War II. It favors also close cooperation between the northern countries and participation in the United Nations. It is notable that all the non-Communist parties follow the same policy in foreign affairs as do the Social Democrats.

As shown in the accompanying table, the Social Democrats have been the plurality party in the lower house in every election since 1914 and in the upper house since 1920. Only in the quadrennium from 1940 to 1944, however, when they held 135 seats out of the total of 230 seats did they have an absolute majority in the lower house. In the 1944 elections their representation was reduced to 115 seats but they still continued in power. In the 1948 elections the party lost a small number of seats. At the same time in the upper house the party representation has increased so that for a number of years it has had a clear majority of the 150 seats.

The Communist party came into formal existence in Sweden in 1921, when the Left Socialists joined the Third International and took on the name Communist. As noted in an earlier paragraph this action caused the return of the right wing of the Left Socialists to the Social Democrats. In 1924 strong factionalism developed in the Communist group over the issue of Russian influence. The majority opposed the domination of the Swedish party by the Comintern and two years later this group also returned to the Social Democrats. The minority of the old Communist party continued as members of the Third International. In 1929 still another schism further depleted the party's strength, when a large part of the

group, under the leadership of Kilbom, refused to accept Russian leadership. This majority kept most of the party organization and the chief newspaper and later took the name Socialist party, which it now bears. The remainder of the Communists, a small but active group, continued their relationships with the Comintern and in spite of the defections from their ranks increased their membership in the lower chamber from 2 to 5 seats in the 1936 elections. In the 1944 elections the Communists won 15 seats in the lower house, but four years later only 8.

Nazism was represented in Sweden by a group known as the Swedish National Socialist party, modeled after the German Nazi party, with a leader called *riksledaran* (*ledaran* is the Swedish word for "the leader") and with a program and technique like the Hitler group in its early day. Its support was such a tiny minority of the Swedish vote that the movement had no particular significance. Even under the system of proportional representation it did not succeed in any election in electing even one member to the Riksdag.

The accompanying table shows the party strength in each house following the elections to the lower chamber beginning with the election of 1911. This was a significant election, being the first to follow the adoption of general manhood suffrage, as well as the first in which the system of proportional representation was used. It was about this time, too, that the party lineup as it now exists began to emerge. The members of the upper house are indirectly chosen, one eighth every year, but the tables for this chamber are limited for the most part to the composition of the body as it exists after each election for the lower house rather than showing the yearly changes. It should be noted again that technically the Conservative party of the upper house and that of the lower house are not organically one but their close co-operation in a common program makes it justifiable to look upon them as one party. It will be noted that after the 1924 elections the Liberal Union group disappears and the Liberal and

SEATS IN THE SWEDISH UPPER HOUSE

	1911	1914 Spring	1914 Fall	1917	1920	1921	1924	1928	1932	1936	1942	1945	1947
Social Democratic	12	13	14	16	50	50	52	52	58	66	78	83	85
Conservative	87	88	89	88	37	41	44	49	50	45	34	30	24
Liberal Union	51	49	47	45	40	38	.....	.....	.....	.....	.....	.....	.....
Liberal .....	.....	.....	.....	.....	.....	.....	13	7	4	.....	.....	.....	.....
Independent People's .....	.....	.....	.....	.....	.....	.....	22	24	19	.....	.....	.....	.....
People's .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Agrarian .....	.....	.....	.....	.....	.....	18	18	17	18	16	15	14	17
Left Socialist .....	.....	.....	.....	1	19	2	.....	.....	.....	22	22	21	21
Socialist .....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....
Communist .....	.....	.....	.....	.....	.....	1	1	1	1	1	.....	.....	.....
							1	1	.....	.....	1	2	3

SEATS IN THE WEDISH LOWER HCUSE

	1911	1914 Spring	1914 Fall	1917	1920	1921	1924	1928	1932	1936	1940	1944	1948
Social Democratic	64	73	87	86	75	93	104	90	104	112	134	115	112
Conservative	65	86	86	59	70	62	65	73	58	44	42	39	23
Liberal Union	101	71	57	62	48	41	.....	.....	.....	.....	.....	.....	.....
Liberal .....	.....	.....	.....	.....	.....	.....	5	4	4	.....	.....	.....	.....
Independent People's .....	.....	.....	.....	.....	.....	.....	28	28	20	.....	.....	.....	.....
People's .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Agrarian .....	.....	.....	.....	12	30	21	23	27	36	27	23	26	57
Left Socialist .....	.....	.....	.....	11	7	6	.....	.....	.....	36	28	35	30
Socialist .....	.....	.....	.....	.....	.....	.....	.....	.....	6	6	.....	.....	.....
Communist .....	.....	.....	.....	.....	.....	7	5	8	2	5	3	15	8

the Independent People's parties take its place. These last two joined in 1934 to form the People's party.

4. Comparison of party politics in the Scandinavian countries. A most significant feature of the party developments in Scandinavia has been the recent rapid growth of Social Democratic parties in all three countries, with the result that Social Democratic prime ministers now head the three cabinets. The program of Scandinavian socialism is moderate, and even in Norway the Labor party (as the Social Democratic group is called), which is the most leftward of three, stands for the democratic method and is nationalist rather than internationalist in its outlook.

At the extreme right, since the beginning of the party systems, there has existed in each country a continuous and consistently conservative group, which in general, has opposed reforms and the advance of parliamentarism. None of these, however, can be classed as ultra reactionary and each has, as a rule, refused when returned to power after a liberal government to demolish any progressive structures which have been erected. Their conservatism might be likened to that of the more forward looking of the British Conservatives.

Opposing the conservative group in the earlier history of modern parties in each country has been found a liberal group (such as the Liberal Left in Denmark, the Liberal in Norway, and the Liberal Union and its antecedents in Sweden) which took the lead in movements toward parliamentarism. In each country this group has moved distinctly toward the right, perhaps farther in Denmark than in the other two and perhaps least so in Sweden. In each of the countries, however, the task of using the parliamentary government to meet modern problems has been largely taken over by parties now to the left of the liberals.

In each of the countries the agricultural interests have played an important part in politics. While Denmark

has no separate and distinct farmers' party, the influence of the agrarians is very strong in the Liberal Left group. Nevertheless, there are no such clearly drawn lines separating the agrarians from the rest of the political parties as in Norway and Sweden. In each country the agrarian interests in general are inclined to be conservative but this has not kept the Radical Lefts in Denmark and more recently the Agrarians in Sweden from co-operation with the Social Democrats. The lack of harmony which seems to exist all over the civilized world between the agrarians and the industrial workers is also in evidence in Scandinavia, and the present coalition between the Agrarians and the Social Democrats in Sweden is an unusual spectacle.

The Communists are actively engaged in all three countries but with few tangible results and there are no indications that their philosophy has any great appeal to the Scandinavians. Neither are the champions of fascism making any progress. The fascists of Norway had colorful and vigorous leadership but won only the most meager popular support. A well-organized Nazi party in Sweden failed to make any impression. In Denmark a new National Socialist party polled only a few votes in 1935: and even during the Nazi occupation, when the general election of 1943 was held, the Danish Nazi party cast less than 2 per cent of the total vote cast. It seems fairly certain that the Scandinavian countries will continue to steer clear of the "isms" of both the extreme right and the extreme left. The chief reason for this certainty is the realistic and effective way in which the respective countries are handling the complex problems which are presented in a modern civilization.

While as a rule only a minority of those voting with a party in an election may officially be called members, the various Scandinavian parties are very efficiently and effectively organized both in and out of the parliaments. A hierarchy of committees under national leadership with national headquarters, an intelligently edited and influen-

tial partisan press, women's auxiliaries, and youth organizations are common in each of the countries. A parliamentary election in Scandinavia is usually preceded by a colorful campaign of platform oratory and radio broadcasting. The various parties vie with one another in the use of attractive posters and handbills while the partisan press is filled with urgent appeals—sometimes intellectual, sometimes emotional. In the 1936 campaign in Norway, for example, the Conservatives, as a part of their attack on the Laborites, distributed Tsjernavin's, *I Speak for the Silent* (translated from Russian into Norwegian). In Denmark the official yearbook of the Rigsdag gives space to each party for the publication of a partisan campaign statement published at public expense.

It has been true for many years in each of the three countries that an election almost invariably involves a fairly clearcut issue. With a multiplicity of parties it is possible for the voter to choose between a variety of positions on the controversy. The respective electorates of these northern lands are so homogeneous and are made up of such an alert, literate, and highly intelligent citizenship that a parliamentary campaign in any of the Scandinavian states is a phenomenon of great interest to the student of political behavior. In all three there is universal adult suffrage with the percentage of participation very high—much higher than in the United States. In each of them the system of proportional representation is used in choosing members of the national legislature.

5. *Election to the Danish Rigsdag.* The lower house, the Folketing, is directly elected for a four-year term, although a dissolution of the house would result in an earlier election. For the Folketing election a highly involved system of proportional representation is used, which in spite of its complications seems to give each party representation fairly proportionate to its voting strength. The constitution provides that the size of the

Folketing be determined by law, but the number of members may not exceed 152. The present election laws provide for a membership of 151. For the purpose of electing members of the Folketing Denmark is divided into 105 constituencies and these are grouped together into 24 electoral districts or areas.² From each electoral district as many members are chosen as there are constituencies within the district. The constituencies vary in number from 2 to 7 with 5 or 6 the most common number. This means that in reality there are 24 electoral districts, choosing on the average about 5 members each, with a total of 105. Besides these 105 seats, there are 44 supplementary mandates (*Tillægsmandater*), which are apportioned among the various parties and various electoral districts by a process which will be described in later paragraphs.

The list system of proportional representation is used and in each electoral district each party which seeks representation presents a list, usually of as many candidates as there are constituencies or seats in the district. The law provides for independent or nonparty lists. However, it is also legal for two or more parties to unite in a list. The individual voter in casting his ballot usually votes for a list but he may if he so desires vote instead for a particular candidate; in that case, however, his vote is counted as a vote for the list on which such candidate is found. Each citizen has but a single vote, and the ballot is secret.

The results from all constituencies are sent to the office of the minister of the interior, who now must engage in a series of rather bewildering computations. In the first place, by the use of the d'Hondt method, he determines how many mandates in each of the electoral districts go to

² Copenhagen and its immediate environs including Frederiksberg are divided into 3 *Storkredse* (literally "large areas" or "districts") and the rest of the country is divided into 21 *Amtskredse* (literally "county districts"). In this discussion the term "electoral districts" will be used in referring to these areas.

each party or nonparty list represented in each district. The second step is to distribute the 44 supplementary mandates among the various parties on the basis of the nationwide vote. By the method of apportionment known as major fractions, it is determined how many seats of the total each party (which has secured a certain minimum of votes) shall be given. The supplementary mandates are then distributed among the parties which have not already, on the basis of the distribution of the 105 seats, received their just proportion of seats on the basis of 151. The third step is to distribute the supplementary mandates geographically, so that, while the total allotted to each party remains as determined by the second step above mentioned, 6 are given Copenhagen and its environs, 15 to Jutland, and 10 to the islands. After this is done the office of the minister of the interior advises the election officials of each electoral district of the number of seats to which each party (or nonparty) list in that district is entitled.

It is at this point that the election of individual members is determined. The district election officials proceed with each list to ascertain which of the candidates on that list are elected to seats in the Folketing. A vote for a list is counted at this point also as a vote for the first name on the list and most voters cast a vote for the list rather than for a particular candidate. By the use of the Droop quota and the Hare system of counting votes it is determined within each list which candidates are elected. In order to be a candidate one must present a petition of at least 25 (not more than 50) voters and must indicate the party list on which he desires to stand. The party is given power under the law to fix the order in which names are to appear on the lists and as most voters vote only by lists, the party virtually selects the men who are to represent it in case mandates are secured. New parties may be established by the organization of at least 10,000 voters. Otherwise only the parties already in existence are recognized for election purposes.

The suffrage is exercised by men and women over 25 years of age who are citizens of Denmark and who reside in the constituency. An annual registration list is prepared in each district and no one may vote unless his name appears on such a list.

Under the constitution the upper house, or the Landsting, may have as many as 78 members. The number now, however, is fixed by law at 76. All are chosen *indirectly* for an eight-year term. One fourth of the membership is elected every eight years by proportional representation by the members of the outgoing—not the newly constituted—Landsting. Of the remaining seats half are filled every four years by members of the electoral colleges (*Valgmænd*) popularly elected by secret ballot in each Landsting district (of which there are 7) by the list system of proportional representation. In the Faroe Islands the local popularly elected council, or parliament, serves as an electoral college for this purpose. The right to vote for members of the electoral college is enjoyed by all those above 35 years of age who are qualified to vote in Folketing elections. The members of each electoral college in turn choose the Landsting members to which the district is entitled, usually varying in number from 6 to 15. For this election the procedure followed is very similar to the Hare system of proportional representation.

6. *Elections to the Norwegian Storting.* The constitution provides that the one-house Norwegian parliament shall be made up of 150 members, of which 50 shall come from the cities and towns and 100 from the country districts. The geographical apportionment of seats is actually made by the constitution. Eleven urban election districts are provided for, each with from 3 to 7 mandates. Bergen and Oslo each make up a district but in other cases the cities and towns of one or more counties are joined to constitute such an election district. Each county (*fylke*), of which there are 18, is made an election

district—the cities and towns, of course, always being excluded—with the number of mandates from each county varying from 3 to 7. The constitution provides that a proportional system of elections shall be used for the Storting under rules to be determined by law. By statute Norway now uses the list system of proportional representation.

Noteworthy on the Norwegian scene is the statutory provisions for party nominating conventions in each election district to select candidates for the Storting. These are not mandatory but the state pays the expenses of all delegates of all recognized parties to such conventions. It is most unusual in Europe even to take notice legally of party nominations, but Norway goes still further and subsidizes the party district convention. Under the law it is possible for one or more parties to present a joint list in any district, and occasionally this is done.

The Storting elections are held the same day in all parts of the country. Men and women past 21 years of age who are citizens and who have resided in Norway for at least five years may vote. When the voter comes to the polling place he finds the candidates for the Storting arranged by party lists but he casts his vote for persons—not lists.³ He is entitled to as many votes (and no more) as there are seats to be filled in the election district but must indicate the order in which he prefers these candidates—in case he votes for more than one. As a matter of fact, Norwegian voters usually indicate as many choices, in order of preference, as there are members to be elected. The voter, may, if he wishes, divide his choices among two or more parties but naturally the common practice is to vote all choices on one party list.

When the votes are counted the total of all choices for the candidates on a given list constitute the vote for that list. The seats to which the election district is entitled

³ Except that absent voters who are sojourning in foreign lands may vote for lists, and are presumed to express preferences according to the order of names already on the ballot.

are then distributed among the various parties according to the d'Hondt system. This is perhaps the most important computation in connection with the election returns, as the total of these reports from throughout the country tell the story of the relative party strength in the new Storting.

This computation, however, does not determine which candidates on a list are elected and the district election officials now proceed, therefore, to examine the votes cast for individual candidates. First of all a count is made of all the first choices. The candidate receiving the highest number is elected. If the list is entitled to a second seat the second choice votes are counted and that seat is given to the candidate who has the largest total of first and second choice votes (excluding, of course, the candidate already declared elected). In the same manner further candidates are elected up to the number to which the particular list is entitled. By the same process alternates are selected from the respective winning lists.

An objection to this method of choosing between candidates on a list is that a voter's second choice may sometimes stand in the way of the election of his first choice. This objection seems to have little weight with the Norwegian electorate, the indifference, no doubt, being due to the fact that the real interest in the elections, as all campaign literature and speeches clearly show, relates to relative party strength rather than to what particular candidates, all acceptable usually to the rank and file of the party, are elected.

7. *Elections to the Swedish Riksdag. The upper house, or First Chamber (Första Kammaren).* The 150 members of the upper house are elected for an eight-year term, one eighth each year, by electoral colleges in the various election districts. The country is divided into 19 of these districts and these are in turn combined into 8 groups—one group electing its representatives each year. Every ten years seats are redistributed among the 19 districts on

the basis of population according to the last census. When a county (*län*) or counties make up an election district the members of the county council or councils (*landstingsmän*) make up the electoral college. In elections for members of the county councils the age requirement for voting is 21. If a county does not make up an election district the electors are especially elected. In all cases those who constitute the electoral colleges are popularly elected by the list system of proportional representation. When the electoral college meets for the purpose of choosing the members of the upper house to which the election district is entitled, the vote is taken and the results determined under the same system of proportional representation that is used in connection with the direct popular election of the members of the lower house, to be described presently.

8. *Elections to the lower house or Second Chamber (Andra Kammaren)*. For the purposes of electing members to the lower house, Sweden is divided into 28 election districts. In most cases a county constitutes such a district. The city of Stockholm makes up a district, by far the most populous of the 28. Before each four-year term the 230 members of the lower house are redistributed among the 28 districts on the basis of population. The elections are regularly held on the third Sunday in September (sometimes on the preceding Saturday in the cities) of the last year of the four-year term. Men and women who are Swedish citizens 21 years of age are eligible to vote. The reduction of the voting age, which was previously 23, took place in 1945. The vote is taken and the results determined according to the list system of proportional representation.

9. *The Swedish system of proportional representation for parliamentary elections*. The lists for each district are made up by the various parties, oftentimes by party conventions in the district—although such conventions

are optional and extralegal. Sometimes a party will make up more than one list; and sometimes the same list is presented in a different order to please various factions. In other instances two or more parties may unite in a common list. A party list may be subdivided into sublists of factions of the party but all are counted as one party. In most cases, however, a party submits one list with the order of names fixed. The number of names on a list must not exceed by more than two the number of seats to be filled from the district. The voter casts one vote for the list of his choice. When the results are tabulated the number of votes for each party is determined and by the use of the d'Hondt method the seats are divided among the various parties.

The next and final step is to determine which of the candidates on the winning lists are to be declared elected. This is achieved by the single transferable vote method of computation. When several lists are used by the same party this method becomes so highly complicated that even Swedish textbook writers frequently refuse to go into detail. We shall not do so here except to say that in case more than one seat is won by a list other seats are assigned in turn to the candidate that has the highest "comparison number" (*jämförelsetal*). The comparison number is made up of first choice votes (usually the result of being first on a list) plus votes transferred at a lowered value from the candidate or candidates already declared elected.

10. *Absent voting in Scandinavia.* While Denmark has no provision for absent voting, Norway has extended the privilege very widely and Sweden has provided for its limited use. In Sweden the right of absent voting has for many years been granted to soldiers and sailors under certain conditions, to diplomatic and consular officers, and to certain other public officials such as those engaged in the postal service, on state railways, or in the customs service, and to pilots. An interesting provision of the

Swedish election law permits a husband or wife under certain conditions to bring in the ballot of the spouse. Very recently the right of absent voting in Sweden has been extended and the machinery for its administration simplified. The Norwegian constitution specifies that it shall be determined by law under what circumstances voters may cast a ballot without personally appearing at the polls. The laws which have been enacted under this constitutional provision are very liberal and almost any reasonable excuse for absence on election day is recognized.

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CHAPTER IV

THE POLICY-MAKING PROCESS

With the parliamentary system of government in operation in each of the Scandinavian countries we naturally find that the policy making is done by the parliament under the leadership of the ministry. While it is true that, according to all legal forms, it is the king and the parliament that determine policy, it is also true that in actual practice the Scandinavian kings have little more influence on legislation than has the English king over the laws which emerge from Westminster. The policy-making activities of the three Scandinavian parliaments as revealed in their respective structures, functions, and relationships to the ministry will be briefly described for each land separately.

1. *The Danish Rigsdag—membership and organization.* The upper house, or Landsting, made up of 76 members, and the lower house, or Folketing, with a membership of 151, are co-ordinate agencies. No legislation may be enacted without favorable action by both houses. Bills may originate in either house, but action on finance bills must take place first in the lower house. To be eligible for membership in either house one must be a qualified voter in the elections for that particular house. This means that 25 years is the age requirement for the Folketing and 35 for the Landsting. The 57 members of the Landsting who are chosen by election districts must reside in the districts from which they are respectively chosen. The 19 members chosen by the Landsting itself may reside anywhere in Denmark and this is true also of all the members of the lower house. Members of the

Rigsdag are remunerated at the rate of 6000 to 9000 kroner per year, depending on the distance the member lives from the capital city. At present these amounts are increased by 60 per cent because of high prices. There is no distinction in pay as between the two houses. According to the Danish constitution the Rigsdag, like the king, is inviolate (*ukränkelig*) and any action interfering with its proper functioning is declared treason. No member may, without the consent of the house, be placed under arrest during a session nor be made to answer for what he writes or speaks as a part of his duties as a Rigsdag member. Each house is the final judge of the qualifications and elections of its members and within the constitution sets up its rules of procedure. The Rigsdag meets regularly on the first Tuesday in October of each year and usually continues in session throughout the winter. The king, through his ministers, may call a special session at any time. The first meeting of a session is a joint one over which the prime minister or perhaps the king himself presides. It is at this time that the "speech from the throne" is read by the king or by the prime minister. At the beginning of the session each house under the temporary leadership of the oldest member chooses a speaker and one or more vice speakers. The speaker may participate in debate and has a vote. Each house has a well-manned secretarial staff.

Under two circumstances, according to the constitution, the two houses of the Rigsdag are to meet in joint session. One of these is the opening session already mentioned, when the two chambers meet together to hear a speech by the prime minister or the speech from the throne or both. The second circumstance would arise in case there are no heirs upon the death of the king. At such a time the two houses in joint session select a king and provide the rules of succession. While these are the only circumstances recognized by the constitution there is nothing to prevent the holding of unofficial joint sessions; and this has occasionally been done, sometimes behind closed

doors. Except for a new law of succession as noted above, no legislation is valid unless acted upon by the houses separately.

Committees play an important part in the work of the Rigsdag. Each house has several standing committees (five in the Folketing and four in the Landsting) and in addition there is one joint standing committee of the two houses. The latter is in reality a joint committee on the selection of such officers as represent the entire Rigsdag, as, for example, the state auditors mentioned below. Each house has the following standing committees: (1) Rules and Procedure, (2) Petitions and Memorials, (3) Elections, and (4) Finance. The Folketing has besides these a committee on salaries and compensation in the public service. Special committees are also used in each house to consider various types of legislation. All committees, both standing and special, are chosen from the membership of the house by proportional representation—which means that each committee reflects the political color of the entire house. Of the standing committee on rules in each house the speaker and vice speaker are usually ex-officio members.

Scarcely classed as committees are two very interesting agencies chosen jointly by the two houses. One of these is the Board of State Auditors (*Statsrevisorer*) four in number, who are chosen by a joint committee of the two houses. It is the duty of these auditors to check the income and expenditures of the treasury at the end of a fiscal year. The auditors need not have seats in the Rigsdag but usually are members or former members and receive compensation for their services. The other joint agency is the Council on Compensation in the Public Service (*Lønningsraadet*) established by law in 1931. This council is made up of eight members. The president and vice president of the council appointed by the king—which means by the ministry; the minister of finance appoints two, and the remaining four members are chosen by the standing committee of the two houses. It is the

duty of the council to investigate the salaries and working conditions of the government employees, and to make such recommendations in these fields as it deems desirable.

2. *The Danish legislative process.* The chief task of the Rigsdag is, of course, lawmaking. For purposes of discussion the legislation with which it deals may be divided into four classes: (1) amendments to the constitution, (2) ordinary laws, (3) finance laws, and (4) provisional laws. The first of these should, perhaps, hardly be classed as lawmaking, as the Rigsdag alone may not amend the constitution, but in a broad sense it is a form of legislative activity. As the amending process has been described in an earlier chapter we shall not discuss it here.

Although much of the procedure relative to finance laws is the same as that for ordinary legislation the handling of the finance bill, owing to its peculiar character, involves special attention by the Rigsdag. We shall, therefore, first very briefly outline the steps in the enactment of an ordinary law. The constitution provides that no law shall be enacted unless it is dealt with (*behandlet*¹) three separate times in each house; but as there are no constitutional rules as to how much time shall elapse between each reading the significance of this procedure depends largely on the rules of each house. These have, as a matter of fact, made provision for three distinct and separate readings.

It should be borne in mind that, in spite of the fact that private members as well as ministers may introduce bills, the number of bills is very small and as a rule nearly all are introduced by cabinet ministers. A small number of proposals naturally makes it possible to give more attention to each one than is possible amidst the avalanche of bills which descends upon the American legislator.

¹ For convenience these three steps will be referred to as the three "readings" of the bill.

At the first reading of the bill it is discussed as to its general purpose and not as to detail. There is no limit upon debate in the Landsting, but in the Folketing no one except ministers (or the sponsor in the case of a private member's bill) may speak more than twice except with consent of the house. At the close of the discussion a vote is taken to determine whether the bill shall be passed on to a second reading and if so whether it shall be sent to a committee. The usual procedure is to send a bill to a committee between its first and second reading, usually to a special committee made up of the members from each party group best qualified to deal with the measure. The committee meets in secret in spite of the fact that the meetings of each house as a rule are open to the public.

Under the rules the second reading does not normally take place until at least two days have elapsed since the first reading. When, as is usually the case, the bill is sent to a committee a longer period is necessary. At the second reading the bill is discussed by paragraphs, and germane amendments are permitted; after which procedures the bill is voted as ready for the third reading. When the bill is up for the third reading amendments may be proposed only by the ministry, by members of the committee which handled the bill, or by certain other privileged persons. At the conclusion of this stage the bill is up for final passage and must be supported by the majority of the membership in order to pass the house.

After its passage by one house the bill is sent to the other house and if it is passed there in its original form it is ready for royal approval. If amendments are made it goes back to the house of origin and if the changes are accepted it is then ready for the king's signature. If the two houses fail to agree, the bill may, at the request of either house, be sent to a specially formed committee which recommends the final form. If the final form is accepted by both houses the bill is sent to the king. The transmission to the king is regularly through the prime minister. The constitution contains an interesting provi-

sion relative to laws which have to do with the expropriation of property to the effect that one third of the Folketing may, at any time within fourteen days after its final passage by both houses, request that a bill involving such expropriation be laid over until after the next election. In such a case the bill must be repassed by the next Rigsdag after the election before it can, subject to the approval of the king, become a law. This means no bill expropriating property is sent to the king until at least fourteen days after its passage. While no law is valid until it receives the royal sanction it is practically a fixed custom that the king assent to all laws passed by the Rigsdag. Not since 1865 has the king exercised his power of veto over Danish legislation. The signature of the king is accompanied here as elsewhere by that of one or more of the ministers.

The legislative process relative to finance laws, while following the general outlines described above for ordinary laws, is affected by two special constitutional provisions: (1) such laws must be passed first by the Folketing; and (2) the annual finance bill (the budget) shall be introduced at the beginning of a session (regularly in October). The latter provision is made to insure time for full discussion before the close of the fiscal year on March 31. As a matter of fact the bill is usually kept in the Folketing for several months with the result that the Landsting which has the right to add germane amendments has little time for discussion. The budget bill for the fiscal year beginning April 1, 1936, for example, did not reach the Landsting until March 24, was passed on March 27, and received the royal assent on the last day of the month, which was also the last day of the fiscal year. If it appears that the two houses will be unable to agree on the budget bill before the opening of the new fiscal year it is possible to make temporary appropriations but no taxes can be levied until the budget bill becomes a law. Supplementary appropriations are sometimes also made. The budget must be passed annually.

The legislative power of the king (in reality the ministry) is increased by section 25 of the constitution which states that in case of necessity and when the Rigsdag is not in session provisional (*foreløbige*) laws may be promulgated by the government. A provisional law must not violate the constitution. It may, however, go so far as to repeal nonfinance laws already enacted. Because the constitution specifically provides that finance laws shall be valid only if passed by the Rigsdag, a provisional law cannot encroach upon this field. Immediately upon the meeting of the Rigsdag any provisional law promulgated during its absence must be presented to it; first to the Folketing. If either house disapproves the provisional law it is no longer in effect and in case it is not passed by both houses it ceases to exist when the Rigsdag adjourns.

The Rigsdag exercises great influence on the foreign policy of the nation. The more important types of treaties, such as making peace, entering into alliances, cession of territory, and commercial treaties, are valid only when ratified by it, and a state of war may be declared only after such action is approved by the Rigsdag. The influence of the parliament on foreign policy has been greatly augmented as the result of a law passed in 1923 establishing a joint commission (*Nævn*) on foreign affairs made up of sixteen members chosen annually from the two houses. While this commission has no plenary power it does exert great influence on Danish foreign policy through its recommendations to the Rigsdag and to the ministry. The commission, which meets at the request of the ministry or of six of its own members, continues to function regardless of whether the Rigsdag is in session, with the result that the work of the foreign office is under more or less constant scrutiny.

3. *The Danish ministry and the legislative process.* It is apparent, of course, from the discussion in the preceding paragraphs that the ministry plays an important part

in the policy-making process and has a very close relationship to the Rigsdag. The ministers need not be members of either house, but in most cases they are, usually from the Folketing. They are regularly members of the party or coalition of parties in control of the lower house. Occasionally a minister is chosen from outside the parliament. During the parliamentary crisis of 1920 the entire ministry for a short period was made up of men not in the Rigsdag. A minister may speak in either house but may vote only in the house in which he is a member. Every member of the Rigsdag has the right of interpellation and may direct questions at any minister. The interpellation is not so fraught with explosives as in France, where it may result in a vote of lack of confidence and the fall of the ministry, but it is, nevertheless, a device which is of importance in bringing into closer contact the parliament and the ministry. While the interpellation does not lead to the fall of the ministry the reply made by a minister may be followed by a formal expression of pleasure or displeasure on the part of the house.

Actually the ministry constitutes in substance, and perhaps even in form, a supercommittee on all legislation. Private members' bills have little chance of passage—which means that virtually all legislation is sponsored by the government (that is, the ministry), and the constitution provides that all laws must be considered by the ministry. Under the parliamentary system, of course, the ministry has in reality an absolute veto on legislation.

While the Rigsdag must, by constitutional provision, meet annually on the first Tuesday in October it is possible for the government to call special sessions at any time and to adjourn such special sessions. The regular session also may be adjourned by action of the government but not for more than two months or more than once in the session except with the consent of the Rigsdag.

It is in connection with the dissolution of the Folketing that the ministry has significant political power. The constitution provides pointedly and briefly that the king

may dissolve the Folketing. As the king cannot act except through his ministers this means, of course, that the ministry under this power may virtually decide when the next election is to be held—as long as it is within the four-year term. The Landsting is not so readily dissolved, and it is the Landsting which is looked upon by many Danish people as an unfortunate check on popular government. On the other hand other Danish citizens look upon it as a most fortunate check on the possible excesses of an impulsive democracy. Under the constitution the Landsting may be dissolved only under the following conditions: if the Folketing passes a bill which the Landsting fails to pass and if, after a regular Folketing election, the new Folketing passes again the same measure and the Landsting again fails to pass it, the latter may be dissolved. It should be noted that the above-mentioned intervening election to the Folketing must be the regular one at the end of the four-year period and not one resulting from an earlier dissolution of the Folketing. This means, then, that the Landsting may be dissolved only once in four years for failure to co-operate with the Folketing. It should be recalled that the Landsting may be dissolved also in connection with the process of constitutional amendments, but no dissolution for this purpose has taken place since 1920, indicating, incidentally, that the cumbersome amending machinery is not often used. A constitutional amendment abolishing the Landsting and substituting a more democratically chosen *Rigssting* was proposed in the late thirties but failed to get the required support of 45 per cent of the eligible voters.

The constitution provides for special machinery for the trial of cases involving the official conduct of the members of the ministry in the form of the specially constituted Court for State Trials.² This is made up of the members of the Supreme Court (now thirteen in number) and of an equal number of members of the Landsting chosen by the

² This is a very loose translation of the Danish term *Rigsretten*, literally the Imperial Court.

latter body for a four-year term. The king or the Folketing may bring accusations against a minister or ministers relating to official misconduct, and the case is then tried in this special court. There is no appeal from the decision of the court and no pardon can be granted to those convicted unless the Folketing gives its consent to such a pardon. This machinery has been used but little in Danish history; there has been no case before this special court since 1909.

4. *The Norwegian Storting—membership and organization.* The Norwegian Storting is one of the few one-house legislatures of the world. At its first meeting after each quadrennial election the Storting proceeds to select one fourth of its members (38) to constitute the *Lagting*, with the remaining members (112) constituting the *Odelsting*, and this procedure, to be sure, gives the Storting, to some extent at least, the appearance of bicameralism. It might, however, be better to look upon the Lagting and the Odelsting as sections or large committees of the Storting rather than as separate houses. It is much nearer the truth to describe the Storting as a modified form of the unicameral system than as a modified form of bicameralism. This seems a logical conclusion in view of the fact that the qualifications, methods of election, and length of term are the same for the entire membership and that it is only after the Storting has come from the voters without designation to either section that the Storting itself makes the division into two groups. Furthermore the Storting is opened and prorogued as a single body, and with few exceptions its committees are from the Storting itself, not from the sections. While it is true that each section has its separate organization including a president, and that ordinary (non-financial) laws must be considered in both of them, it is also true that a bill may become a law by passing the entire Storting even though it fails to pass both sections

separately. Furthermore in dealing with revenues, appropriations, public borrowings and constitutional amendments the Storting acts as one body and not in sections.

To be eligible for the Storting one must be a voter in the election district from which one is chosen, must be 25 years old, and must have been domiciled in Norway for at least 10 years. Any person who is, or has been, a member of the cabinet (*statsraad*) may be chosen as a representative from an electoral district other than the one in which he is entitled to vote. It must be noted, however, that a peculiar constitutional provision prohibits members of the cabinet from sitting in the Storting as representatives. They may sit as ministers and participate in the debate but when a member of the Storting is appointed to the cabinet his alternate takes his place as representative. This does not alter the party lineup in the Storting, because under the list system each list is given a number of alternates. Members of the cabinet may be excluded from any secret session of the Storting or of either section, but as a matter of fact this is not likely to happen unless there is an open clash between the cabinet and the parliament, in which case there is likely to be a change of cabinet.

The Storting meets regularly on the first weekday after the tenth of January each year, but the government (that is, the king through his ministers) may call special sessions. The members of the Storting are seated in the assembly room, not by parties as in the usual custom in legislative halls, but by electoral districts. When the Storting meets for the first time after an election, a temporary chairman and a temporary credentials committee of 12 members prepare the roll of the body, after which a president, a vice president, and a secretary are chosen to serve for the four-year period. The next step is the selection of 38 members to constitute the *Lagting*. The *Lagting* then selects its officials, as does also the *Odelsting*. When all this is done the Storting is ready to receive the king, who, as a part of an impressive cere-

mony, delivers the speech from the throne.³ This ceremony takes place at the beginning of each annual session.

As is usually the case in deliberative assemblies the committee system is a feature of considerable importance in the Norwegian legislative process. All committees are selected by a committee on committees (*valgkomite*) of 37 members chosen by the Storting in such a way as to give as nearly as possible proportional representation to geographical areas as well as to party strength in the parliament. There are at present 17 standing committees, 2 from the membership of the Odelsting and 15 from the Storting in general. (This does not include the committee on credentials mentioned above nor two important committees made up of certain officials and leaders in the Storting which will be discussed below.) The standing committees of the Odelsting are: (1) the Protocol Committee, which in a sense is a steering committee of that body, having, among its responsibilities, to see that the auditors (discussed below) perform their duties properly; and (2) a committee provided for by the constitution to handle matters which require secrecy, especially in relation to diplomatic and military affairs.

All members of the Storting not members of the protocol committee are given places on one of the 15 standing committees, each committee as far as possible affording representation to each political party in proportion to its strength in the parliament. The standing committees are as follows: (1) Administration, (2) Finance and Customs, (3) Health, (4) Justice, (5) Church and School, (6) Local Affairs, (7) Agriculture, (8) Military Affairs, (9) Post, Telegraph and Coastwise Shipping, (10) Marine and Fishing, (11) Forestry and Water Power, (12) Social Affairs, (13) University and Professional Schools, (14) Foreign Affairs and Constitutional Amendments, and (15) Highways and Railroads. For most of these

³ By constitutional provision the Norwegian monarch is very much limited. No official act of the king is valid unless countersigned by one or more ministers.

committees the name is descriptive although the title Committee on Local Affairs is misleading, for in addition to provincial matters the committee has miscellaneous tasks including matters involving amendments to the rules of procedure of the Storting. The Committee on Administration deals particularly with the matter of appropriations for the royal family and the ministry. In addition to standing committees, special committees are sometimes set up to handle particular bills. All standing committees are selected at the opening of a newly elected Storting and hold office for a four-year period. Each committee selects a chairman, who holds this position for one year only.

The presidents and vice presidents of the Storting and its two sections—six persons in all—are by the rules of procedure of the Storting formally constituted as a Council of Presidents (*Presidentskap*) under the chairmanship of the president of the Storting. This council has considerable authority over the handling of legislative matters, and no bills may be introduced after a certain date, not even government bills, if the council unanimously opposes such introduction.

Another important agency, which might be called the steering committee, is made up of the Council of Presidents and the fifteen chairmen of the standing committees. This steering committee has the important task of correlating the work of the various committees and of the Storting and its two sections in such a way that the work of legislation will be expedited. Scarcely classed as a committee is the group of five auditors chosen by the Storting whose duty it is to examine annually the accounts of the state after the expiration of each fiscal year.

By virtue of section 66 all members of the Storting enjoy the usual legislative freedom from arrest "unless caught in public crimes," and they cannot be called to account outside the Storting for opinions expressed there. They may, however, be disciplined under the rules of the Storting.

5. *The procedure for enacting legislation in the Storting.* The procedure to be followed in the enactment of laws is found in section 76 of the constitution, which provides "each bill shall first be introduced in the Odelsting, either by one of its own members, or by the Government through a member of the Council of State [the ministry]. If the bill is passed it is sent to the Lagting which either approves or rejects it, in the latter case sending it back with comments appended. These are taken into consideration by the Odelsting which either drops the bill or again sends it to the Lagting, with or without alteration. When a bill from the Odelsting has twice been laid before the Lagting and has been a second time rejected by it, the whole Storting shall meet in a joint sitting, and the bill is then disposed of by a majority of two thirds of the votes. Between each of these deliberations there shall be an interval of at least three days."

While the above gives us a clear and accurate picture of the general procedure for the enactment of *laws* it must always be kept in mind that under the Norwegian constitution the Storting is given power to make many enactments which do not come under the head of laws in the sense that the Norwegian constitution uses the term *laws*. Hence not *all enactments* need follow the above procedure. In other words, the portion of the constitution quoted above applies only to what for purposes of this discussion we shall designate *formal laws*. In addition to passing formal laws the Storting is authorized to perform certain other legislative functions. By far the most important of these are all matters relating to the budget, including the payments made out of the treasury for the support of the royal family. As a result of this dual concept of lawmaking certain legislation is carried on by the Storting in plenum, especially that relating to revenues and expenditures, while other legislation (formal laws) is handled first in the sections (the Odelsting and the Lagting). In case the sections fail to agree under conditions described in section 76 above quoted the entire

Storting may then pass the bill by a *two-thirds* vote. It is interesting to note that, in the case of legislation other than formal laws, only a majority vote is required. Thus we have in Norway a situation in which certain acts may pass the Storting by merely a majority vote, whereas formal laws need a two-thirds vote. It must be further noted, however, that the two-thirds vote is necessary only when the Lagting refuses to accept a law; and the possibility of frequent refusal of the Lagting to pass by a majority vote any bill passed by the Odelsting is unlikely, especially in view of the fact that the Lagting is chosen by the Storting from its own membership. A much more significant distinction between formal laws and other legislation is that formal laws require the king's sanction while other legislation does not. This distinction has lost most of its significance since Norway's complete independence. The king's sanction is now practically a matter of form. During the ninety years of union with Sweden, however, the distinction had great significance.

The rules for handling bills are practically the same for the entire Storting and for each of its sections. Bills may be introduced by the government or by private members and are usually sent to the appropriate committee for study and discussion. It is not necessary, however, under the rules to refer to a committee. The ting⁴ involved may decide to pass or defeat a bill at once, but this cannot be done over the objection of the president or one fifth of the members present. There is in Norway no provision either in the constitution or the rules of procedure of the Storting for three separate readings. As a protection against hurried amendments, however, section 27 of the Storting's rules of procedure provides that in case the Odelsting passes a bill with amendments which have not been before the committee, the committee involved shall be heard in connection with the later discussions in the Lagting. The decision of a ting on a measure is usually

⁴ The word "ting" is used in the Norwegian as a general term for the Storting or either of its two sections.

taken by a standing vote, but the president or one fifth of the members may demand a roll call. In elections of the president the voting is by secret ballot, but no secret ballot is ever used in voting on measures.

When a bill passed by the Odelsting has been approved by the Lagting or by the Storting in joint sitting it is sent to the king for his approval. A bill refused sanction by the king becomes a law without his signature if passed by three successive Stortings with elections intervening. As the king's veto power has now fallen into complete disuse the constitutional provisions relative to it have little importance in a realistic picture of Norwegian government.

Budgetary legislation is handled by the Storting in plenum. All taxation provisions are constitutionally valid only for one year so that the budget bill comes up annually (the fiscal year begins on July first). Formerly the task of considering the revenues and appropriations was scattered among several committees, but the handling of the budget bill is now largely centralized in the hands of the committee on finance and customs. As above noted budgetary legislation is finally passed by the entire Storting by a majority vote.

Under the Norwegian constitution the king (that is, the ministry) is authorized to promulgate provisional laws which are valid only when they concern "commerce, customs, trade and industry and police" and must not be at variance with the constitution or the laws already passed by the Storting. A provisional law remains in operation, unless repealed by a later provisional order, until the next Storting takes adverse action. If no adverse action is taken the provisional law automatically expires when the next regular session of the Storting is adjourned.

6. *Relations of the Norwegian ministry to the legislative process.* Under the parliamentary system the *statsraad* naturally has important functions in connection with the work of the Storting. In a true sense the minis-

try is the chief committee responsible for the legislative program. As above indicated the Norwegian system deviates from the usual practice of making it compulsory that ministers have seats in the parliament. On the contrary, ministers must not sit as representatives and frequently ministers are chosen from outside the Storting. The prime minister, however, is regularly chosen from the membership of the parliament. Any minister chosen from the Storting gives up his seat as representative and as previously stated is replaced during such ministerial incumbency by his alternate. A minister taken from the Storting invariably runs for re-election to the Storting so that in case of a change in the ministry he may join the opposition or at any rate function as a leader in a non-ministerial capacity.

The Odelsting may bring charges of official misconduct against members of the ministry. These charges are tried before the High Court of the Realm (*Riksretten*) made up of the members of the Supreme Court and the members of the Lagting. The High Court has certain other jurisdiction such as that over charges of criminal offense committed in his official capacity brought against any member of the Storting. The High Court will be alluded to again in a later chapter in which the judiciary in general is discussed.

7. *The Swedish Riksdag—membership and organization.* What in most countries would be designated the upper chamber is in Swedish parlance known as the First Chamber, while the other house is popularly known as the Second Chamber. The First Chamber of 150 members and the Second of 230 are in form and, to some extent, in substance on a basis of equality as far as legislative powers are concerned, although it must be remembered that the houses take a joint vote in the final disposal of matters upon which they cannot agree in the field of taxation and public finance. In such a joint vote the Second Chamber because of larger membership will, obviously,

be the more influential. Any person is eligible to membership in the Second Chamber who is a voter in the district from which he is chosen. For the First Chamber there is no requirement that the member come from the particular district which he represents, but he must be a Swedish citizen at least 35 years of age and be entitled to vote in the municipal elections. Men and women are alike eligible to either chamber. The members of both chambers receive the same salary and traveling expenses. Swedish legislators enjoy the usual immunities of freedom from arrest and freedom of expression in debate. Either chamber may, however, by a vote of five sixths of its members permit the arrest and prosecution of a member for official misconduct. While a member cannot be made to answer outside the chamber for words written or spoken there, he is, nevertheless, subject to discipline by the chamber for abuse of this immunity.

The regular session (*lagtima*) of the Riksdag begins early in January of each year. The king (through his ministers) may call a special session (*urtima*) at any time. Each chamber at the opening elects a speaker and two vice speakers. Not later than the second weekday after the convening of the Riksdag the ceremonial opening takes place, at which time the king delivers the speech from the throne followed by a report by the prime minister on the important developments since the last regular session. The Riksdag is also given a report on the state finances including the budget proposals. Before the ceremony comes to a close the speaker of each house pledges on behalf of the members their loyalty to king and country. The Riksdag has recently approved an amendment to the constitution which provides for two regular sessions each year, the first session to run from January 10 to May 31 and the second session to open October 15 and to continue as long as necessary. This change, however, will not take place unless the proposal is approved also by the next Riksdag.

In one aspect the parliamentary machinery of Sweden

differs markedly from that of all the other democratic countries and that is in connection with its committee system. The Swedish committee system has three peculiarities. In the first place the committees are provided for in the fundamental law, wherein is found the complete list of the standing committees (eight in number) together with the size and jurisdiction of each one. As changes in the fundamental law require action in two successive Riksdags, with an intervening election, it is evident that the organization of the committee system is quite outside the power of either house during any particular session. The fundamental law further provides that no bill can be passed by either chamber until acted upon by the proper committee. In the second place the eight standing committees are all joint committees of the two chambers. This, too, is by provision of the fundamental law. The result is that all important legislation is considered not by a committee of *one* house at a time but is being studied for both houses at the same time. The effects of this unusual setup in the legislative process will be discussed in a later paragraph. The third peculiarity of the committee system is that members of the ministry are excluded from committee meetings. This seems like a strange situation indeed in a parliamentary government and has been severely criticized by Swedish writers. Efforts were made in the Riksdag as late as 1933 to change the fundamental law on this point. The matter will be discussed further under the topic below dealing with the legislative functions of the ministry.

The eight standing joint committees, made up in each case of an even number of members (at least sixteen), are chosen by the method of proportional representation, one half by each chamber. The election to committees is for the duration of the regular session. Committee memberships and especially chairmanships chosen by and from the committee membership are much sought after, owing to the highly important work of the committees in the work of legislation.

The eight standing committees are: (1) Foreign Affairs; (2) Constitutional Amendments; (3) Finance,⁵—in reality an appropriations committee; (4) Ways and Means—dealing with taxation; (5) Banking, whose most important work relates to legislation concerning the State Bank and the administration of the public debt; (6) First Committee on Judicial Matters, dealing in general with questions of private law; (7) Second Committee on Judicial Matters, dealing in general with what might be called social legislation, (8) Agriculture.

In discussing joint committees it is necessary to mention an agency which in some respects is another joint committee, namely, the Commission on Foreign Affairs, made up of sixteen members chosen one half by each chamber in the same manner as other committees. This commission, provided for in the constitution itself instead of in the law organizing the Riksdag (the latter also a part of the fundamental law and changed only in the same manner as is the constitution itself), is not in the real sense a legislative committee.⁶ Its duty is to form an advisory body to the government in matters concerning Swedish international relations. No action must be taken in foreign matters without consulting the commission. The latter has no plenary powers, but the constitution provides that its advice must be given great weight in making decisions in this field. Since 1937 the members of the Commission on Foreign Affairs constitute also the Committee on Foreign Affairs of the Riksdag.

Of a somewhat different nature is the board of auditors (twelve in number) chosen by the Riksdag at each regular session, one half from each chamber, whose duty

⁵ The Swedish-English dictionary translates the name of the committee (*statsutskottet*) as "the committee on finance," so this term is used in the discussion rather than the term "appropriations."

⁶ The commission is alluded to in the Swedish as a *nämnd*, which might well be translated as "committee," but for legislative committee another word, *utskott*, is used. To show this distinction the word "commission" is here used to denote this agency.

it is to audit the state finances including those of the State Bank and of the administration of the public debt.

In addition to the joint standing committees the Riksdag may choose special committees to assist the regular standing committees, but these special committees are distinctly auxiliary to the standing committees. Each chamber may also select temporary committees to deal with matters not within the jurisdiction of the standing committees. A perusal of the grants of power to the various standing committees, however, soon reveals that not very much of significance is left out.

The provisions for selecting a complete set of joint standing committees relate only to regular sessions of the Riksdag. A special session may select only such joint standing committees as are necessary to handle the specific purposes for which the special session is called. Because the joint standing Committee on Amendments to the Constitution is authorized to settle certain questions which may arise between the two chambers as to the proper jurisdiction of a committee or committees it is always in order for a special session, regardless of its specific tasks, to choose a joint standing committee on amendments to the constitution.

In 1930 a movement began in the Riksdag to make a number of changes in the committee system in an endeavor to loosen up the jurisdictional lines dividing the various standing committees and to increase the numbers of some; but only a few changes of secondary importance resulted. Among the proposals which failed at that time was one which would have replaced the Commission on Foreign Affairs by a joint standing committee in the same field. This change was, in effect, brought about by the establishment in 1937 of the committee as indicated above. The most significant aspect of the whole movement to reform the committee system was that there was no effort whatever to change its essential features, which is a good indication that Swedish political leaders are of the

opinion that the system in general has worked satisfactorily.

8. *The Swedish legislative process.* Bills may be introduced in one of three ways: (1) by the ministry; (2) by any members of either chamber; or (3) by a standing committee. All bills are sent to the appropriate joint committee, where in many cases closed meetings are held. The consideration of the bill in committee is a very important step in the legislative process. Representing, as it does, both chambers as well as the various political groups, each committee is a little Riksdag by itself. It is at this point particularly that the significance of the joint committee is apparent. The committee in representing both chambers provides for concurrent committee consideration rather than successive consideration, as is regularly the case under a two-house parliament. This means that when the committee report is made it represents the attitude of the committeemen from both chambers. In a sense the Swedish Riksdag takes on some of the characteristics of a unicameral body. It is on the basis of the added efficiency which comes from joint committees that the Swedish system deserves the careful attention of all students of the legislative process.

When the committee is ready to report, the bill may be taken up in both houses simultaneously. The debate which ensues has practically no time limit, but there seems to be no complaint about extensive filibustering. The vote on a question is taken first by acclamation. If a demand is made a standing vote is taken. A roll call may also be demanded. In case of a tie vote the decision is made by lot. By a constitutional provision adopted in 1925 secret voting in the Riksdag, which had been the practice previously, was abolished.

No law may be passed unless separately agreed to by both chambers except in connection with appropriations or revenues. If the chambers fail to agree on such measures each chamber votes separately and the result in both

are totaled. If a majority of the total vote of both chambers is favorable the bill is ready for the royal sanction.

The joint vote is not used frequently. It was necessary to resort to it only seven times in 1946 and only three times in 1947. It does not always develop that the Second, and larger, Chamber has its way, as a heavy vote in the First Chamber plus a large minority in the Second may mean a total majority for the viewpoint of the majority in the First. Of the ten joint votes in 1946 and 1947, five, or exactly half, resulted in a victory for the views held by the First Chamber.

Financial legislation is not handled as centrally in Sweden as is generally the case in parliamentary governments. The annual budget is handled by three of the standing joint committees, namely: (1) Finance, (2) Ways and Means, and (3) Banking; but it is, nevertheless, discussed as an integral proposition in each chamber. The budget is presented soon after the beginning of each regular session and relates to the next fiscal year, beginning on July 1.

Because the Swedish constitution specifically provides that the Riksdag alone shall levy taxes, no ordinary tax bills require the king's signature. No other bill can, however, constitutionally become a law without the royal sanction, but it must be remembered that the king acts only through his ministers. This means that the king's veto of legislation has practically fallen into disuse and now has much the same status as the veto power of the British king. The most recent exercise of the veto power by the Swedish king occurred in 1912 and then only upon the advice of the ministers.

The king (in reality, the ministry) has broad ordinance powers, especially in legislation which deals with the administration of social services. This ordinance power also covers a large field of administrative orders relating to the direction and supervision of the various governmental agencies. The constitution provides that

the king may ask the Riksdag to share with him the ordinance powers in important matters, and it has gradually become the practice to bring in matters of general interest, which formerly were handled by the ministry, direct to the Riksdag, where they receive the same treatment as other proposed legislation.

Mention must be made at this point of two very interesting officials appointed by each Riksdag from outside its membership to supervise the general administration of all laws. At each regular session there is chosen (1) a parliamentary supervisory official for civil affairs (*justitieombudsman*) and (2) a parliamentary supervisory official for military affairs (*militieombudsman*). These officials act as representatives of the Riksdag; it is their duty to hear complaints about maladministration and to bring charges of official misconduct. Even the members of the judiciary are not exempt from the scrutiny of these supervisory officials.

The existence of these officials is a most significant part of the Swedish governmental scene as they represent the desire of maintaining a close liaison between the Riksdag and the administrative and judicial machinery. Another relationship between the lawmaking process and the judiciary is found in the Law Council (*Lagrådet*). This council, made up of three judges from the Supreme Court and one judge from the highest administrative court, acts as an advisory body to the government by examining most bills before they are brought to the Riksdag. Further mention of these various devices will properly be made in a later chapter, when the administrative and judicial agencies are discussed.

9. *The Swedish ministry and the Riksdag.* The ministry (cabinet) is regularly selected from the ranks of the party or coalition of parties in control of the Riksdag, and very frequently from the membership of either chamber. A ministry is likely to contain some members who, lacking political or parliamentary experience, are known

as high-grade administrators. A minister may vote only in the chamber in which he is a member, but all ministers may attend sessions and participate in debate in either chamber. Under the right of interpellation members may direct formal questions to members of the ministry, which need not be answered but usually are. Sometimes, however, the answer is delayed for weeks. The interpellation does not carry a threat of a cabinet change as is the case in France. The records of the 1947 session, for example, show that the interpellation was used 19 times in the First and 55 times in the Second Chamber. Of the 74 questions, only 1 went unanswered.

The ministry, naturally, is a most influential group in the field of legislation: practically all important bills are initiated by it. Made up largely of shrewd and experienced political leaders and representing in general the views of the majority of the Riksdag, it is in a position of real leadership. As the king cannot sanction a law without the countersignature of one or more ministers, the ministry, if it is cohesive at all, and it regularly is, has in effect the power of absolute veto. Actually a bill opposed by the ministry is not likely to pass and if this happens it usually, though not necessarily, leads to a change of the ministry.

As indicated in an earlier paragraph there is a certain amount of dissatisfaction among some Swedish political leaders with the constitutional provision that members of the ministry may not participate in the deliberations of the committees. This inability cannot help but lessen somewhat the total influence of the ministers. The prestige of the ministers, however, enables them to have tremendous extralegal influence upon members of the committees. A vigorous movement begun in 1930 to amend the constitution so as to permit ministerial participation in committee meetings did not succeed in winning a majority in either chamber—an evidence that, on the whole, the political leaders are willing to let matters stand as they are on this point. The situation as it exists

in Sweden has in it the possibilities of friction between the committees and the ministry. Furthermore, not only the committees but the chambers themselves are quite willing to disagree with the ministers on matters of detail. On the surface this might seem to predicate legislative inefficiency, but as a matter of fact the spirit of tolerance and co-operation together with the absence of highly acrimonious party quarrels make it possible for the members of the ministry to be highly successful not as legal mechanical masters, but as persuasive political leaders, of the Riksdag.

There is no prescribed procedure or practice for bringing about the fall of the cabinet, but when a situation arises in which it is evident that the ministers do not enjoy the confidence of the Riksdag it is customary for them to resign in a body. This is a decision which is in the hands of the ministry itself, but it is unlikely that a cabinet would continue which could not exercise a fair degree of control over the Riksdag. The cabinet is responsible to both houses and equally so, but a cabinet does not necessarily resign because it has been defeated in one house. This would come about rather as a result of a realization that the whole political situation in the Riksdag would make resignation a wise procedure. Such a situation would probably exist if the ministry should be defeated in a joint vote of the two houses. While the government has a right to dissolve either or both chambers, this practice is not often followed, and the threat of dissolution has not been effectively used as a means of disciplining recalcitrant members of a majority.

While in actual practice the responsibility of the cabinet is not based on any clearcut formal rules, there are, nevertheless, in the constitution certain mechanics for checking an inefficient or corrupt ministry. The standing joint Committee on Constitutional Amendments is authorized to scrutinize the acts of ministers and may ask the king (which means the ministry) to dismiss any of its members found negligent or inefficient. The joint com-

mittee may also bring charges of illegal misconduct against any minister. Such charges are heard before a special Court of Impeachment (*Riksrätt*), made up of certain judges of the higher courts and certain high administrative officials.⁷ These formal provisions, however, are of little significance in a realistic picture of modern Sweden, but they do provide legal machinery for use against the ministry which might be of importance under certain emergencies.

10. *Parliaments and parliamentary procedures of the Scandinavian countries briefly compared.* In none of these countries do we find a situation which seems to give support for the theory that a parliament of two separate and distinct houses is necessary or desirable. In Norway the one-house Storting is, to be sure, divided into sections for the handling of nonfinancial legislation, but in most significant respects Norway's parliament can be classed as unicameral. Of the three, Sweden is the only one to have two equally powerful houses, and there the two chambers are so closely linked by a system of joint standing committees as to have some of the characteristics of a one-house legislature with two closely associated sections. In Denmark the Folketing legally has slightly more power than the Landsting, but in actual practice we find the political complexion of the ministry decided by the party or coalition of parties in control of the lower house, with the ministry in much closer contact with the lower than with the upper. The increase in the prestige and importance of the lower house has not, however, shorn the upper house of all its power, and it still remains as a check upon legislation, with the result that there is a powerful movement on foot to abolish the upper house, in the interests of democracy.

⁷ This special court is used for other purposes than to try charges against cabinet members, and its composition varies somewhat with the type of parties before it. The *Riksrätt*, however, has fallen into almost complete disuse.

Thus it is in Denmark, the only one of the three where we find one part of the legislative machinery decidedly more conservative than the other, that there is a vigorous demand for a change. The difference in the conservatism of two houses is often given as an argument *for* bicameralism, but in Scandinavia we find that such a variation is the only grave cause for dissatisfaction with the respective legislative processes in these three very efficient democracies.

The two houses are farther apart organically in Denmark than in the other two. The joint committees and the joint voting in Sweden and the cohesiveness of the self-chosen section in Norway make more noticeable the lack of such co-ordinating devices in Denmark. The committee system is the heart of the policy-making process in Sweden, but it is less important in Norway than in most other democratic countries. Denmark is the only one of the three to provide for three separate readings of bills.

When we compare residence requirements for members of Parliament it is interesting to note that in Denmark the members of the upper house only must reside in the electoral district from which they are chosen while in Sweden this is true of only the lower house. In Norway members of the ministry may not sit as members of parliament, whereas in Denmark and Sweden the usual procedure is to select cabinet members from the parliament. In none of the three countries is parliamentary membership a requirement for appointment to the ministry. Party feeling, never as bitter in Scandinavia as in some other parts of the world, seems less intense in Sweden than in the other two.

In all three lands the ministry may make provisional laws, but this plays a larger part in Danish policy making than in the other two, with Sweden using such devices least of all. Budgetary legislation is given careful and special attention in each of the Scandinavian countries, but Norway under changes recently adopted takes the lead in centralizing the machinery for handling financial legis-

lation. In each of these northern democracies the constitution includes special provisions relating to the budget, which in every case is an annual one. In each case the parliament is given even greater power and responsibility over the budget than over ordinary legislation.

It is clearly evident from a study of the policy-making processes of the three countries that the similarities are much more numerous than are the differences, and with the many similarities in form there is fundamental agreement as to the acceptance of the democratic method of policy making.

There is no outward evidence that the lobbyists and the organized pressure groups play any significant part in the framing and enactment of legislation. Apparently the lobbyist in the American sense is practically unknown in Scandinavian legislative halls. That there are various and devious methods used by interested groups with varying degrees of effectiveness upon the northern lawmakers in an endeavor to influence legislation no one but the most unsophisticated would doubt. It does seem, however, that, as far as lobbying in the objectionable sense is concerned, the situation is much better in the three Scandinavian capitals than that surrounding legislators in some of the larger countries of the world.

In spite of the fact that the Scandinavian countries were among the very first to give women full parliamentary suffrage the number of women actually securing seats in the respective parliaments has been very few indeed. In 1937, for example, only 5 seats in the Landsting and 4 in the Folketing were occupied by women. In 1932 only 3 women were seated in the Swedish Riksdag and 1 in the Norwegian Storting. In each country, however, many women have been chosen as alternates. In all three women may be members of the ministry. The first woman to hold a post in any Scandinavian ministry was Miss Nina Bang, who was Minister of Education in the first Stauning cabinet (in Denmark). Since then each of

the three countries has had one or more women cabinet members.

When it comes to occupational classification of members of Scandinavian parliaments there is great similarity in the comparatively large number of small farmers, small businessmen and public officials who occupy seats. Lawyers are rare in each of the three parliaments while journalists form an imposing list of members. Re-election to a Scandinavian parliament is common, and in each of the five chambers involved the number of members serving their first term is likely to be only a small minority.

CHAPTER V

THE INSTRUMENTALITIES OF ADMINISTRATION

This chapter will be devoted to a brief description of the national administrative machinery in each of the Scandinavian countries. In a later chapter more detailed attention will be given to some of the interesting developments in the field of social legislation and to organization and operation of those agencies which deal with some of the problems which the modern state must face in our complicated civilization, such as social insurance, labor, housing, agriculture, and others.

In each of the three countries the instrumentalities of administration are, almost without exception, grouped under the various departments, each one headed by a member of the ministry. The only exceptions worthy of note are: (1) the auditing functions carried on in each country through agents of the parliament, and (2) the administration of certain banking institutions. In Sweden there is also the Public Debt Administration, which is directly in charge of officials representing the Riksdag. This means that in none of these countries are there the multitudinous independent boards and commissions which are a part of the American administrative machine. At the same time it must be remembered that the Scandinavian department is not always as closely integrated as is the individual department in America. Especially in Sweden is it true that a department is often merely a collection of agencies without much organic connection, although as a rule dealing with closely related fields. This aspect of Swedish administration will be discussed in its proper place.

1. *The Danish administrative agencies.* Denmark has fifteen administrative departments each presided over by a member of the cabinet. These departments (often referred to as ministries) are as follows: (1) State—oftentimes referred to as the Prime Minister's Department because this official regularly heads this ministry; (2) Foreign Affairs; (3) Defense; (4) Finance; (5) Justice; (6) Interior; (7) Labor; (8) Social Affairs—previous to 1947 the administration of labor and social affairs were under one minister; at present there is in the cabinet a Minister of Labor and a Minister of Social Affairs; (9) Trade, Industry, and Shipping, usually referred to as the Ministry of Trade; (10) Public Works, referred to at times by a variety of titles such as Commerce, Transport, or Traffic; (11) Agriculture; (12) Fisheries—previous to 1947 Agriculture and Fisheries were combined in one ministry; (13) Ecclesiastical Affairs; (14) Education; and (15) Housing, which appears for the first time in the present (Hedtoft) cabinet. Each minister receives an annual salary of 18,000 kroner.¹ The prime minister receives an additional grant of 9000 kroner per year. The only other minister to receive supplementary remuneration is the minister of foreign affairs, who by virtue of a grant of 18,000 kroner in addition to his salary becomes perhaps the highest paid official in the entire kingdom.

The Department of State, headed by the most important political leader of the country, is itself one of the smallest of the departments. Organized as a ministry as recently as 1918 its jurisdiction covers affairs relating to the constitution and to the royal family, including payments made to its members. The administration of the government of Greenland falls under this ministry as do also certain matters relating to the Faroe Islands. This department, of course, functions mainly as the chief administrative office of the cabinet, but it has in addition to the duties already mentioned such diverse responsibilities as matters respecting the proper use of the national flag,

¹ A dollar has the exchange value of from four to five kroner.

supervision over certain parks, and the relations of the government and the press.

The Department of Foreign Affairs was established in 1848 with the advent of the modern democratic movement in Denmark. The departments of War, Navy, Finance, and Justice also date from the same year. The minister of foreign affairs has much the same duties and responsibilities as would be assigned to such an office in any democratic country. The director general of the department is one of the highest paid of the officials outside the cabinet, and his post is one of the most important in the entire administration. Ranking second only to the minister himself, the director general supervises and directs the entire foreign service. Under his supervision also are the two important sections into which the department since 1921 has been divided: (1) the politico-economic section and (2) the politico-juridical. The responsibility of the first section is to stimulate and to foster foreign trade, including the making of trade agreements. The second section has charge of the matters which regularly are handled through the diplomatic corps as well as those functions of the consular service which do not deal particularly with foreign trade.

The Department of War and of the Navy are joined together in one ministry under a civilian minister of defense but each department is manned as far as its important positions are concerned almost entirely by military and naval officers respectively.

The director general of the Department of War is regularly an army officer. While the department has charge of all military training it should be noted that the matter of the general conscription of youths for universal military training is administered by the Department of the Interior. In addition to the responsibility of training, equipping, feeding, and safeguarding the health of the military forces and of supervising the few Danish fortifications, the department also administers a pension system including pensions for civilian employees of the

department. The activities of the geodetic institute are also under its jurisdiction. The chief military commander of the small Danish army receives the highest pay (19,800 kroner) of any public official outside the prime minister and the minister of foreign affairs.

The Department of the Navy also is largely manned by naval officers. The chief naval commander, who acts also as director general of the department, receives the same high pay as the chief commanding officer in the army. The recruiting and training of the personnel, the safeguarding of their health, and the construction and maintenance of the small fleet constitute the more important of the routine duties of the department. The department is also charged with certain duties which in the United States are assigned to nonmilitary departments or agencies. The lifesaving service, administering a host of stations especially numerous in northern Jutland, is in charge of the Navy Department. So also is the supervision and direction of the lighthouse and beacon service, and of the Danish system of pilots and pilotage. The Meteorological Institute, in America located in the Department of Agriculture, is another agency under the Danish Navy Department. The lifesaving service and the meteorological functions are directed by civilians.

The Department of Finance is naturally one of the most important of the administrative agencies. One of its important tasks is the preparation of the annual budget. Another is the auditing of all governmental accounts. This covers not only the central or national administrative agencies, but includes also the financial transactions of all municipalities. It should be remembered, of course, that a board of auditors, selected by the Rigsdag, is also responsible for a general audit. The coinage of money and other responsibilities for providing a system of currency are properly a part of the work of the Department of Finance. An important and well-organized division is in charge of the collections of imposts and excises; another has charge of the collection of

direct taxes. The administration of the public debt with its manifold problems is another task of this ministry. The Danish public debt, as of March 31, 1946, approached one and one half billion kroner. The principal items of revenue in the budget are (1) income taxes and (2) excise taxes, which are levied on tobacco and alcoholic beverages. The receipts from the income tax equals approximately the receipts from all types of excise taxes. Of the expenditures the largest item by far is that for various types of social insurance, whereas the general cost of internal administration is low. The cost of maintaining the royal family during the fiscal year ending March 31, 1946, amounted to a little over a million kroner or less than one tenth of one per cent of the total annual expenditures for that year.

In addition to the activities mentioned above, all of which one would naturally expect to find listed under a department of finance, the Danish Finance Department has a number of other duties and responsibilities which in other countries are often found as parts of the work of agencies outside the treasury. One of these is the making of loans of various sorts by the government to individuals and to municipalities. These include loans for purchase of land to private railroads and other industries and to agriculturists. A very important task of the department relates to the classification, compensation, and pensioning of the civil servants. Under the jurisdiction of the Finance Department is an arbitration board to decide personnel problems. Another agency under its jurisdiction is *Lønningsraadet* (the Council on Compensation), of which a minority of members are chosen directly by the Rigsdag. The department also administers the national state life and fire insurance funds. Another important office in the Department of Finance is the Division (officially called department) of Statistics, which handles population statistics, particularly those dealing with the condition of the laboring classes.

The Department of Justice in Denmark, like similar

departments in other democratic countries, is in charge of law enforcement. Its agents act as legal advisers to the government and represent the government in all cases both civil and criminal. The supervision and direction of the court system is in its hands. Judges are appointed by the king (which means by the cabinet), not by the minister of justice, but naturally the latter is very influential when selections to the bench are made. An important official in the department is the director of prisons, in whom is vested the control and direction of penal and correctional institutions as well as matters relating to pardons and paroles. Denmark has a system of state police which is administered through the Department of Justice. The department also has charge of the supervision of local police. An interesting agency in the department is the Council on Medical Jurisprudence (*Retslægeraadet*), whose function it is to give especial attention to the legal rights, duties, and responsibilities of those engaged in the practice of medicine and pharmacy. A similar agency (*Teaterraadet*), made up of members chosen by actors, producers, theater owners, and others interested in the dramatic arts, acts as legal agent for the theater industry. The office of film censor is also located in the Department of Justice. The department is also the trustee for certain reserve funds.

The Department of the Interior, as is usual for such an agency, is charged with a variety of duties. Perhaps its most important function relates to public health, which is in charge of a National Health Service (*Sundhedsstyrelsen*) headed by men learned in the field of medicine. (From 1926 to 1929 there was a separate Department of Public Health.) All physicians, dentists, and pharmacists, and all hospitals are under its supervision except that hospitals for the insane are in charge of a separate office also within the same department. Another highly important function of the Department of the Interior is the supervision of local and other city governments, which makes for close relationship between central and

local administration. As already indicated in connection with the discussion of the Department of War, the Department of the Interior administers the universal conscription laws. The elections for members of the Rigsdag are supervised by this ministry.

The Department of Social Affairs, established originally in 1920 and discontinued at various periods, was re-established under a law passed in 1929. In 1942 it became the Department of Labor and Social Affairs. Beginning with the Hedtoft Ministry in 1947 the duties of this field were divided between a minister of labor and a minister of social affairs. The former has wide jurisdiction in all matters relating to labor. An important agency under this head is the Permanent Arbitrations Court; another is the Board of Conciliation. Matters affecting the interest of labor in general are within the jurisdiction of the ministry which has the responsibility of administering laws regulating working conditions, hours of labor, unemployment, insurance, factory and boiler inspection, and emigration. Among other duties of the Labor Department are (1) to see to it that unemployed persons are put to work on public works projects, and (2) to set up emergency youth labor camps when necessary. The Apprenticeship Council is located in this ministry.

The Department of Social Affairs carries on the work of the former Department of Labor and Social Affairs not handled by the newly organized Labor Department. Social insurance, so widely used in Denmark, is within the jurisdiction of this ministry and includes health, old age, and accident insurance. All institutions for the blind, the deaf and the feeble-minded are under the supervision of this Department. Child welfare is also an important field. The manifold governmental activities in the field of social welfare play such an important part in Denmark, as they do in fact also in Norway and Sweden, that a more detailed discussion of many of these interesting functions will be found in a later chapter.

The department of Trade, Industry, and Shipping, usu-

ally referred to as the Department of Trade, was organized in 1908. During the period from 1929 to 1935 there existed a separate Department of Shipping and Fisheries, but in the latter year this was discontinued, with matters relating to shipping turned over to the Department of Trade and matters relating to fisheries turned over to the Department of Agriculture, which then was called the Department of Agriculture and Fisheries. The stimulation and fostering of industry and trade, touching at some points the work of the Foreign Office in developing foreign trade, is the special responsibility of the Department of Trade. For example, a translation bureau handles that field, so important in foreign trading of this small nation, while a related agency handles the stimulation and supervision of Danish participation in fairs and expositions abroad. Weights, measures, patents, and trademarks, the administration laws governing corporations, as well as the administration of state industrial laboratories are other matters handled by this ministry; trade and technical schools are under its supervision; so are bank inspection and the supervision of the Stock Exchange. In this department is found the Council on Price Control. The rationing and price control of certain important commodities are administered by the Department of Trade.

In the field of shipping the department has charge of the registration of ships and their inspection, of navigation training schools, of the licensing of technicians engaged in the shipping industry, and of certain features of marine insurance. The Ice Breaking Service is an interesting agency, which directs the operations of six State-owned ice-breaking vessels.

The Department of Public Works² was originally established in 1894, when all matters relating to railways

² The phrase "public works" is a literal translation of the Danish term "*offentlige Arbejder*," and is the term used in translations made by the Danish government. Sometimes the term "traffic," "commerce," or "transport" is used in designating the department.

and communications were transferred from the Department of Home Affairs to the newly organized ministry. Two year later the new ministry was discontinued and its functions returned to the Department of Home Affairs. In 1900, however, the Department of Public Works was re-established and has since that time had charge of the postal service and all matters relating to railways, telegraphs, telephones, aeronautics, and public highways, including bus and truck traffic. The administration of dikes, canals, and harbors is also in charge of this ministry. Since 1926, when broadcasting was taken over by the state, the Department of Public Works has had supervision of this activity. Of the 3200 miles of railways in use, about one half are included in the state-owned system. The so-called privately owned railways of Denmark, however, are also virtually publicly owned. Although operated by private corporations practically all the stock is owned by the central government or by municipalities. Most of the "private" railroads are local or branch lines. The inspection of the main highways of the country, usually under the immediate control of local authorities, is vested in the Department of Public Works. A widely used postal savings deposit bank system is administered in connection with the post office. Denmark provides an excellent mail service, entirely under state management, with daily deliveries to every patron, urban and rural. While the telegraph service is entirely state owned, the telephones, especially local services, are operated by private companies with the aid of government concessions. Among the countries of the world Denmark ranks high in the number of telephones used in proportion to population. The Geological Survey is also in the Department of Public Works.

The Department of Agriculture was originally established in 1896. With the abolition of the Department of Shipping and Fisheries in 1935 the duties in relation to fisheries which had been carried on by that department were transferred to Agriculture and the department be-

came known as Agriculture and Fisheries. Beginning with the present Hedtoft Cabinet (1947) separate departments of Agriculture and of Fisheries were set up.

The Department of Agriculture, with bureaus or divisions in such fields as plant and animal industry, land use, agronomy, and dairying, resembles in many aspects the work of the Department of Agriculture in the United States. Like our department it is entrusted also with the administration of publicly owned, and the regulation and supervision of privately owned, forests. It is also in charge of the public domain. As might be expected in Denmark the Department of Agriculture is charged with the administration of laws and regulations relating to milk and cheese, egg, and meat production. It is but natural that it should also be charged with the administration of laws regarding game and hunting. Further duties in the field of conservation relate to erosion control, such as tree planting and other activities to control dust storms, especially in the sand dune areas. The state seed control commission is also under this ministry. A veterinary bureau has charge of veterinary schools and of the licensing of veterinarians. While much of the agricultural education in Denmark is under the supervision of the Department of Education certain specialized fields such as forestry, surveying, horticulture, and dairying are represented by departments of study in the Royal Veterinary and Agricultural College at Copenhagen, which is under the direction and supervision of the Department of Agriculture.

The Department of Fisheries is charged with the administration of laws concerning that industry, including the operation of warning signals along the coast. The Biological Station, which conducts researches and experiments relative to fishing areas, is under its jurisdiction. The department is also charged with the responsibility of protecting the interests of Danish fishermen in foreign waters and in foreign trade. In 1945 the total catch of Danish fisheries was valued at 128 million kroner.

The Department of Ecclesiastical Affairs and Education was established as early as 1848 and continued to function until 1916, when the work was divided and the two separate departments now existing were set up. The Department of Ecclesiastical Affairs, as the name indicates, is in charge of the general administration of the affairs of the Lutheran, or state, church. While appointments to ecclesiastical positions—from parish clergymen to bishops—are legally in the hands of the government, there is a large amount of local autonomy and democracy in the local congregations, whose influence is felt even in the selection of the bishops. As pointed out in the first chapter of this volume, Denmark permits complete freedom of religious worship, and a small minority of the inhabitants of the country are members of religious bodies other than the established church.

The Department of Education directs and supervises the general educational program from the local elementary schools to the University at Copenhagen. Elementary education is free and compulsory. The schools are maintained by local taxation and by grants from the central government. Although a few special technical schools are administered by other departments, such as veterinary training by the Department of Agriculture, the Department of Education supervises schools for teacher training, and colleges of medicine, dentistry, engineering, and pharmacy. The University of Copenhagen includes a school of medicine and a theological seminary, the latter furnishing the training for practically all who go into the service of the established church. The department is also charged with the supervision of libraries, including the Royal Library at Copenhagen. The Royal Academy of Fine Arts, the Royal Theater, and the National Museum are also under its direction.

A separate department, that of Housing, appeared in 1947. Because of the widespread interest in Denmark in housing and its relation to health the establishment of such a ministry occasions no surprise. Among the mat-

ters coming within the sphere of Housing are the administration of legislation dealing with safety and health standards in housing construction; slum clearance and tenancy; rent subsidies to large families; public housing and government aid to private housing; and the supervision and inspection of housing co-operatives.

2. *The Norwegian administrative agencies.* For all practical purposes the Norwegian administrative machinery is grouped in thirteen departments, each headed by a member of the cabinet. To be sure, the administration of the Norwegian Bank and other public banking institutions is vested in boards of directors independent of any department, but the inspection and auditing of these agencies are in charge of the Department of Finance. As previously indicated, the Storting also appoints a board of auditors, who audit all public accounts; the organization and duties of this board will be discussed briefly in a later paragraph. It should also be mentioned that in the Norwegian administrative setup there are a number of directors, or chiefs, of various services who in a sense seem to be independent, in that it is possible for such officers to deal directly with the cabinet. In practice, however, all matters coming from such services are taken to the cabinet or to the Storting through the medium of the department head, and with few exceptions these seemingly independent chiefs are actually under the control and direction of a department. Thus we find in Norway no bewildering maze of independent boards and commissions.

In July 1947, the Norwegian parliament agreed to the establishment of undersecretaries for each cabinet minister. The new department officers must belong to the same political party as the ministers and they rank only after the ministers in the different departments. Thus, the new institution may be compared to the British undersecretaries of state.

Norway has thirteen departments (or ministries): (1) Foreign Affairs, (2) Church and Education, (3) Justice

and Police, (4) Social Affairs, (5) Trade, (6) Fisheries, (7) Agriculture, (8) Communications, (9) Finance and Customs, (10) Defense, (11) Supply and Reconstruction, (12) Commerce and (13) Shipping. Each department head (cabinet member) receives a compensation of 18,000 kroner, except the premier, who receives 22,500 kroner. The minister of foreign affairs is given an additional appropriation for expenses, amounting to 20,000 kroner. Serving the entire ministry is a cabinet secretariat, which among other things is the keeper of the official seal and of the cabinet archives.

The Norwegian Department of Foreign Affairs has charge, naturally, of all foreign relations. The administrative and legal sections have for their chief duty the supervision of the foreign service but deal also with questions involving the personal affairs of Norwegian citizens abroad including such diverse matters as the administration of wills and the supervision of participation in competitive sports. Within this department, naturally, is located the office which deals officially with the United Nations. One section deals with matters of foreign trade with divisions assigned geographically to various parts of the outside world—working in conjunction with the newly established Department of Commerce. This department, originally organized in 1906 immediately after the separation from Sweden, was changed in structure in 1922, in 1926, and again in 1945; since then it has functioned in its present form.

Unlike Denmark, which has separate departments for ecclesiastical affairs and for education, Norway has one department covering both fields. The Department of the Church and Education was established in its present form long before the separation from Sweden. All matters relating to the established (Lutheran) church are under its supervision. A local church has a large degree of autonomy and owns the church building, but the general direction of worship and religious education including the training of the clergy is entrusted to the central govern-

ment. As stated in the first chapter of this volume, however, there is great religious freedom, and the comparatively few non-Lutherans are permitted to worship as they please. In the field of education the department has broad supervisory powers over educational institutions from the elementary schools to the University at Oslo. Elementary education is free and compulsory. The department also has charge of technical schools and of schools for the deaf, the blind, the feeble-minded, and dependent children. The examination of and licensing of teachers are other functions. Still another is the direction of radio broadcasting, which is a state-owned and -operated activity. The National Archives and all local archives as well as libraries are under the supervision of the department as are institutions generally which relate to the arts, letters, and sciences, such as, for example, the National Gallery in Oslo. The Meteorological Institute located in the capital city and its warning stations scattered along the coast are also under the direction of this ministry.

Although changed somewhat in structure in 1945, the Department of Justice and Police was originally organized in 1818 and is therefore one of the oldest of the departments. As one would expect, this department acts as the legal adviser of the government and in this connection plays an important part in the drafting of legislation and of treaties. It also publishes the laws as they are enacted. It represents the government in the courts and has supervisory power over the judicial system, especially over the lower courts and local magistrates, and is the general law enforcement agency. It is in charge, as well, of all penal and correctional institutions. Not only is it in charge of matters usually assigned to a department of justice; it is also in a large sense a department of home affairs. It has a very close and direct supervisory relationship over local and municipal governments. The important office of *fylkesmann*, the chief administrator in

each of the 18 *fylker*⁴ (or counties) into which Norway is divided, and holding a position not unlike that of the prefect of the French department, is under the immediate direction of this department. Through him and through the officials of cities and lesser local governments the Department of Justice and Police exercises great influence on local administration. The control of the state police adds to its influence on local affairs. It should be added, however, that in spite of this seeming domination by the central administration there is a large degree of local autonomy in Norway, the details of which will be discussed in a later chapter.

Norway has at present no agency officially called the department of home affairs. This name was used previous to 1913 to designate the department which then exercised jurisdiction over various matters of a domestic nature. In that year this agency became the Department of Social Affairs and Trade, and three years later two separate departments were established, one for social affairs and the other for trade. The Department of Social Affairs deals particularly with problems of labor, public health and welfare, and social insurance. Legislation concerning labor disputes, unemployment, factory inspection, and poor relief is administered under its direction. A special labor board—semi-independent of the department—administers the laws relative to strikes. There is a large degree of central control over the insurance, provided by state guaranteed funds, against various hazards. This control is exercised largely by the Department of Social Affairs.

A highly important activity of this department relates to public health. Under this head are included the regulation of hospitals including those for the insane, the licensing of physicians, dentists and pharmacists and the administration of quarantine laws. The administration

⁴ There are actually twenty *fylker* (singular, *fylke*), but for purposes of administration two of these are combined with adjoining ones.

of local health laws is influenced greatly by the central administration, owing to its power over the local health districts each of which is headed by a centrally appointed medical man. Added to all of these responsibilities is the task of administering laws regulating the use of alcoholic liquors. Still another task is the supervision of emigration, and since the liberation in 1945, the supervision of matters relative to displaced persons, political prisoners, repatriation, and so forth. The Central Statistical Bureau, often regarded as an independent agency, was formerly listed under the Department of Social Affairs and for purposes of administration was so classified. This bureau is noted for its significant contributions to the Norwegian government in the form of a highly diversified system of carefully prepared statistical reports. At present the bureau is listed under the Department of Finance and Customs.

The duties of the Department of Trade—known regularly under this short designation—are better indicated by its full official title, namely, the Department of Trade, Industry, and Handicrafts. Even this long title fails to show clearly one highly important administrative responsibility of the department, namely the direction and supervision of hydroelectric power. It also supervises exchanges, markets, and trade marks and runs the patent office. The importance of the trade in cod liver oil is recognized by the especial attention given by the department to problems in that field.

As pointed out in the first chapter, Norway ranks among the great merchant marine nations and the regulation of this vital industry was, until 1948, one of the big tasks of the Department of Trade. The control of the systems of training in the science and art of navigation, the registry and inspection of merchant vessels, the regulation of laboring conditions for seamen and the control of the lighthouse and beacon system were also among its manifold duties. In 1948 matters relative to shipping were

taken out of the Department of Trade and placed under the newly organized Department of Shipping.

An important division of the Department of Trade deals with the administration of laws protecting industry and the handicrafts, with the supervision and control of mining, including mining concessions, with foreign ownership of natural resources (except forests), and with the Geological Survey. The regulation of all activities related to the tourist trade is also included in the diversified duties of the department. Assisting the department are a number of semidetached agencies such as the directorate of harbors, of lighthouses, of patents, and so forth.

With the vast amount of water power available in Norway it is natural that the administration of these resources is an important governmental activity. Many of the waterfalls and many of the power stations are publicly owned while others are operated privately under concessions which involve close supervision.

The Norwegian law provides that waterfalls and water power sites be owned and operated only by the state or by the municipality, except under conditions laid down by the crown. Private persons who were in possession of waterfalls when the law was passed are allowed to continue in such possession, to operate power plants under close supervision, and to pass such property on to their heirs. Corporations, however, are permitted to procure water power sites only by the acceptance of close regulation and with the understanding that after a given period the title to the property reverts to the state. Thus, the long-distance objective is public ownership of power sites. At every turn, in fact, Norway looks upon all water power as a natural asset in which the rights of the public are of primary importance, and it is not surprising that the governmental agencies dealing with the power problem are among the most important in the Norwegian administrative hierarchy. The Director General of Water Power and Electricity, formerly listed under the Depart-

ment of Communications, is now listed under the Department of Trade.

The Department of Fisheries, organized in 1946, is one of the youngest of Norwegian departments. In general it is given the responsibility formerly held by the Department of Trade as far as the fishing industry is concerned. The new department has one section which deals with the problems involved in the catching of the salt-sea fish including certain personnel problems of the fishermen. Another section deals with matters relative to the care, cure, and disposal of the products of the salt-sea fisheries including exporting. The establishment of this department is evidence of the importance of fisheries in the Norwegian economy.

The Department of Agriculture, established in 1900, looks after another important Norwegian economic activity as the name indicates. Its various activities in the field resemble very much those of the Danish Department of Agriculture already described and like that department bear a resemblance to the corresponding department in the United States. Included in its organization is an office for the supervision of training in veterinary science and the licensing of veterinarians for private practice.

The administration of the national forests and the regulation and supervision of private forests are in the hands of this department. In this connection the granting and supervision of lumbering concessions constitute an important duty. The supervision of fresh-water fishing and of the reindeer industry are other responsibilities. The department is charged with the administration and control of agricultural schools.

The Department of Communications established in 1914 has primarily to do with four types of activities: (1) public roads; (2) railroads; (3) communications, including mail, telegraph, telephone; and (4) civil aeronautics. The maintenance of city streets is a purely municipal function, but the building and maintenance of rural roads is handled jointly by the central administra-

tion and by local authorities. A director of highways, who is a trained engineer, has charge of the national program* and is assisted by a large corps of construction engineers located in various parts of the country. Most of the railways of Norway are state-owned and are in charge of a director general of railways. For administrative purposes the entire country is divided into railway districts. In addition each county and city has a local board with certain responsibilities regarding local railway traffic. The few privately owned railroads are also partly publicly owned and are subject to state supervision. Practically all telegraph and telephone systems are publicly owned.

The Department of Finance and Customs, established in 1818, is one of the oldest of the Norwegian ministries. As the name indicates, it has charge of the collection, custody, and disbursement of public funds, and of all matters relating to currency including engraving and the mint. It plays a large part in the actual preparation of the budget, and also has certain duties in connection with bank inspection. The department directs the administration of the pay scale for civil servants, including their pensions. The chief sources of state income are customs, excises, income taxes, and profits from the various state enterprises. As indicated in an earlier paragraph the Central Statistical Bureau is now listed under the Department of Finance and Customs.

The Department of Defense was established immediately after the separation from Denmark in 1814, but was changed in structure in 1945 after the close of World War II. This department is responsible for military, air and naval activities. A Council of Defense established in 1927 and made up of the minister of Defense and the two highest officers of the military and naval services respectively is an important co-ordinating and administrative agency. The training of officers and other matters of personnel are naturally in charge of the department. Norway has compulsory military training for all physi-

cally fit young men. The usual period of training lasts six months. Following this each citizen is counted as an active member of the army and subject to service for twelve years, after which he is listed in the reserve corps for twelve years more. Liability to military service, however, continues until the age of 55.

The Department of Supply was established shortly after the opening of the second World War but several months before the Nazi occupation of Norway. After the liberation it became also a department of rehabilitation and reconstruction but is still generally known as the Department of Supply. Its duties relate to rationing, priorities for industry, and housing. Particular attention is given to the reconstruction of northern Norway. Working closely with the department is a special bank (*den norske stats husbank*) set up in 1946 to make laws to assist the department in carrying on its work.

Late in 1947 a new department (Commerce) was set up, which was given jurisdiction over political and financial aspects of foreign exchange matters which had previously been the responsibility of the Department of Finance. To the new department was also transferred the control of exports and imports previously handled by the Department of Supply. Another very important responsibility of the new Department of Commerce relates to the whole matter of the National Economic Budget, which in reality is an economic planning device, and is, of course, entirely distinct from the regular budget, which is largely under the control of the Department of Finance and Customs.

As stated in connection with the discussion of the Department of Trade, in 1948 was set up the new Department of Shipping, which is taking over the responsibilities relative to shipping formerly exercised by the Department of Trade.

No description of Norwegian administrative agencies would be complete without mention of the Board of Auditors. This board, composed of five trained accountants

chosen directly by the Storting, makes a complete annual audit of the accounts of each and every governmental agency. The work of the board is carried by a large staff divided (in 1934) into ten sections. A list of the assignment of duties of these sections reads like a complete directory of Norwegian governmental agencies and enterprises. The auditors check up on inventories and supplies as well as on financial accounts. To the Storting the board makes a report, which is naturally of great value to the legislative body in connection with the making of the budget as well as in relation to problems of administrative organization. It is obvious that the Board of Auditors constitutes an effective device for close parliamentary supervision and control of the instrumentalities of administration.

A word needs to be said about the relation of the administrative agencies to banking. As indicated in an earlier paragraph, banking institutions are subject to inspection by departmental agencies as well as by the Board of Auditors. The direction and control of banking institutions, however, is not vested in any of the ministries. This is the only instance in Norway of what might be called independent administrative agencies. The Bank of Norway (founded in 1816) is partly owned by the state but the majority of its stock is privately owned. The shareholders, however, have no voting right and the board of directors is in part chosen by the king (that is by the cabinet) and in part by the Storting. The bank, which has branches in various parts of the kingdom, has the exclusive right of note issue. Another credit institution sponsored and controlled by the state is the Norwegian Mortgage Bank (*Hypotek Bank*) under the direction of a council chosen partly by royal appointment and partly by the Storting. This bank, primarily interested in agriculture, makes loans at reasonable rates of interest with real property as security. The same council is in charge of the special banks which have been established to make loans to wage earners, small property owners, and fisher-

men. In 1926 a special Bank for Municipalities was established to grant credit to local governments. This is in charge of a board of directors chosen like the other bank directorates, partly by royal appointment and partly by the parliament. Besides these credit institutions Norway has a number of private banks in various parts of the country—the largest and oldest being the *Christiania Bank og Kreditkasse*, founded in 1848.

3. *The Swedish administrative agencies.* The written constitution of Sweden provides that the king shall have charge of the administration of laws through a council of state (the cabinet). The members of the cabinet, therefore, constitute the upper layer of the administrative agencies. With the few but rather notable exceptions mentioned in the next paragraph the entire administrative machinery is organized around the eleven departments or ministries, which are set up by Swedish law.

Existing entirely independently of the eleven departments is the National Debt Office administered by directors chosen by the parliament. The same is true of the administration of the Bank of Sweden. Another important office outside the eleven departments is that of the attorney general who, however, co-operates closely with the Department of Justice.

Perhaps there should be allusions at this point to three other agencies which in a sense are a part of the administrative set up. These are (1) the Board of Auditors, twelve in number, chosen by the parliament, (2) the parliamentary supervisory official for civil affairs (*justitieombudsmannen*), and (3) the parliamentary supervisory official for military affairs (*militieombudsmannen*). These officials, directly representing and responsible to the parliament, may in one sense be called a part of the administrative machine, in another sense a part of the policy-making machine. In a wider sense they may be looked upon as a very effective connecting link between legislation

and administration. The duties of these three agencies have already been described (Chapter IV).

With these exceptions all the instrumentalities of administration are listed under one or the other of the eleven departments. The Swedish ministry, or department, is, however, somewhat different from a department in the United States government. In the United States a department is regularly a fairly closely integrated unit under the personal jurisdiction of the cabinet member who is the head. In Sweden a department (except the Department of Foreign Affairs) regularly contains a number of offices, boards, or commissions, which are practically independent within their respective jurisdictions. They are not under the personal jurisdiction of the minister, and his approval is not necessary for their decisions or official acts. Yet with the exceptions noted in the preceding paragraph every one of the sixty or more important boards or offices is listed under a department and all contacts between such boards or offices and the government (cabinet) must be through the minister in charge of the department under which they are listed. There is in the Swedish administrative setup what Professor Nils Herlitz calls a "pronounced dualism," owing to the existence within the departments of these practically independent agencies. Great variations are found, of course, in the closeness of the relationship between departments and the particular agencies listed under each of them. In general, however, the sphere of a department, including the central offices listed under it, is well defined and there is a logical arrangement of state activities into eleven groups under the eleven ministries or departments. Hence in spite of the many practically independent offices there is a different picture from that presented in Washington, where there is no grouping or correlation between the dozens of independent agencies. In spite of the looseness of the organic relations between a department in Sweden and many of its parts there is developed a certain unity of purpose which is very desirable. Oftentimes ex-

perts in a department will intrude upon the semi-independent agency with a result that may be a curious mixture of administration by the minister and independent administration by the agency.

The Swedish people rank among the first in the world in their interest in, and capacity for, efficient organization. For many generations, in fact for several centuries, their public administrative machinery has shown signs of their keen sense of the need of a carefully organized and smoothly operating governmental machine with the result that in Sweden we find democracy and bureaucracy co-existent—as they always should be. The high morale of the public service and the esteem in which public servants are held have been important factors in the success which public administration has attained in Sweden. Only in a slightly lesser degree do those statements also apply to Denmark and to Norway. The modern students of governmental organization may well take time to examine with much care the Scandinavia administrative agencies.

The constitution itself provides that the number of departments be not less than eight and goes on to state that the head of each department shall be a member of the council of state (cabinet). In addition, by constitutional provision, three other ministers shall be chosen without portfolia, of which at least two must have had experience in public civil administration. It is further provided in the constitution that all members of the cabinet must be native-born citizens of pure evangelical faith (*av den rena evangeliska läran*). No member of the cabinet may be a sister, brother, husband, or wife of another member, the constitution goes on to state. The fundamental law also mentions particularly the prime minister and the minister of foreign affairs (the only department mentioned by name in the constitution) and provides that these two shall be looked upon as the highest ranking officials in the kingdom.

Sweden pays her cabinet members better than does Denmark or Norway. The prime minister and the minister

of foreign affairs each receives 33,600 kroner annually. The latter receives in addition other sums, sometimes as high as 20,000 kroner for additional expenses. The other members of the cabinet receive annual salaries of 27,600 kroner.

The eleven departments (often referred to as ministries) now established by law are: (1) Justice, (2) Foreign Affairs—in reality established by constitutional provision, (3) Defense, (4) Social Affairs, (5) Interior, (6) Communications, (7) Finance, (8) Public Worship and Education—a literal translation would make this name Ecclesiastical Affairs, (9) Agriculture, (10) Commerce, and (11) Supply.

The Department of Justice, as one would naturally expect, deals with legal matters, and co-operates closely with the attorney general, who is the chief attorney for the kingdom. The department performs an important function in connection with the preparation of proposed legislation, especially with a view to making new enactments fit into the existing statutes and practices. Much of the court system is, in a general sense, closely related to this department. Under it is the Prison Board, which has charge of penal and correctional institutions. Institutes for youthful criminals, also administered within this department, are in reality educational institutions for the training of young offenders rather than penal institutions. Matters relating to guaranties for the freedom of the press are also administered within the Department of Justice.

As indicated above, the Department of Foreign Affairs is specifically mentioned in the constitution. This department also differs from the others in that it contains none of the independent boards or offices found in each of the others. All matters relating to foreign affairs are naturally within its jurisdiction. It has supervision over the diplomatic and consular representatives in all parts of the world, and over matters relating to the World Court and to the United Nations. In connection with the dip-

lomatic and consular services the department is charged with the responsibility of safeguarding the rights of Swedish citizens abroad and has charge of the issuance of passports and visas. One branch of this ministry looks after the interest of the foreign trade—a duty which is shared with the Department of Commerce. As pointed out in a previous chapter, the Department of Foreign Affairs must take no action without consulting the Commission of Foreign Affairs, made up of sixteen members chosen by the Riksdag from its own membership. The advice of the commission need not be followed by the department but the constitution provides that the Department of Foreign Affairs at the opening of each session of the Riksdag, and oftener if necessary, make a report to the commission on all matters involving international relations.

The Department of Defense administers three distinct units—the Army, the Navy, and the Air Force. At the head of the defense administration and acting as a liaison between it and the king (actually the cabinet) is a Defense Order Office (*Lantforsvarets Kommandoexpedition*), which handles questions which the king may decide in his capacity as Commander in Chief. This liaison office is the result of a constitutional provision for close official relations between the monarch as commander in chief and those in actual command of the land, naval, and air forces.

The defense administration proper is in charge of the *överbefälhavaren* (loosely translated “chief of the general staff”). Under him are the three commanders of the Army, the Navy, and the Air Force respectively. Each of these is provided with a staff as is also the chief of the general staff. Under each of the three commanders are the usual agencies or subdivisions such as fortifications, medical service, training, commissary, ordnance, and so forth. Sweden exercises direct control over much of the manufacture of munitions, ordnance, airplanes and so forth. The Swedish standing army is small, but all citizens are required to take military training. Every able-

bodied young man is compelled to serve in the training camp from 140 to 225 days (as long as a year since 1942, with additional refresher courses) depending on the branch of the service. Voluntary enlistment is also used for recruitments to the more permanent parts of the service. The citizen continues as a reserve soldier until he reaches the age of 47.

The Nautical Chart Office, which first began its operations over three centuries ago—1645 to be exact—prepares and issues maps and charts for the guidance of navigation and is located within the Ministry of Defense even though a large part of its usefulness comes from the service it renders to industry and commerce.

To those interested in the matter of governmental participation in social problems the Swedish Department of Social Affairs, established in 1920, is worthy of careful study. Because of its significance this whole matter will be elaborated in a later chapter when we shall discuss modern social legislation and its administration in the Scandinavian countries. For the present we shall merely look at the general outlines of this ministry. Ranking under the department are several very important and nearly autonomous boards such as: (1) the Royal Social Board, in charge of unemployment insurance, poor relief, child welfare, and the care of inebriates; (2) the National Pension Board, in charge of old age and disability insurance and sickness funds; (3) the National Institute of Insurance, for dealing with accident insurance; (4) the Insurance Council, for settling disputes regarding accident insurance; (5) the Labor Council, for administering legislation relating to hours of labor; (6) the Labor Court, which is empowered to settle disputes in relation to collective agreements; and (7) the newly established Labor Market Board, in charge of public employment exchanges.

From the above it would seem at first glance that this department might well be called the Department of Labor, but only a cursory examination of its many activities will make it clear that its jurisdiction is broader than the

field of labor and deals also with the field of social insurance and other aspects of social welfare. As already stated many of the activities of the Department of Social Affairs will be discussed in detail in later chapters.

The Department of the Interior, established in 1947, is the youngest of the Swedish ministries. To this department has been transferred from the Department of Social Affairs the very important tasks of directing and supervising (1) the Swedish health program and (2) the non-judicial administration of all local units, urban and rural, including police administration.

The comprehensive health program described in the last chapter of this volume is under the Royal Medical Board, which is perhaps the most important of the bureaus and agencies transferred to the new department. Closely related to the Medical Board is the State Institute of Public Health, which carries on research in the field. The institute is divided into three sections: (1) public hygiene, (2) industrial and occupational diseases, and (3) dietetics.

The very significant tasks of the department in the field of local administration including police administration are discussed in Chapter VII under local government. In this field there are no special national intermediary agencies although, of course, the Medical Board is in direct contact with local health authorities. The State Police School and the National Institute of Criminal Technology are part of the Department of the Interior.

The Department of Communications, established in 1920, has under its jurisdiction a long list of government activities including (1) the postal service, (2) telegraph and telephone services, (3) railways, (4) roads and waterways, (5) water power, (6) public buildings, and (7) air traffic. The department has a large number of the virtually independent boards briefly characterized in an earlier paragraph. The postal service is administered by the Royal Postal Board, consisting of a large number

of bureaus and headed by a general director. The Postal Savings Bank, however, is listed under the Department of Finance. A setup similar to that of the Post Office is found in the Royal Telegraph Board, responsible for the state-owned telegraph and telephone services, which, except for the lines used by the private railways, are the only commercial telegraph and telephone services of any importance in Sweden. In this office is the Radio Bureau, which controls the Swedish broadcasting systems, which also are state-owned, though the programs are in charge of private organizations or of the press.

The Royal Railway Board has complete charge of state-owned railways. More than half of the broad-gage railways are publicly owned and more than 60 per cent of the revenue from all railways is earned by the state railways. The Road and Waterways Commission has charge of road building and the construction and maintenance of canals and harbors. It is this commission which regulates private railways. This means that the Railway Board, which operates the state-owned railroads, does not regulate its competitors, the private railways. The Administration of Civil Aeronautics is also under the Road and Waterways Commission.

Owing to the enormous amount of water power available in Sweden the Board of Waterfalls is a very significant agency. It was set up in 1909 to develop state waterfalls and to aid in the distribution of hydroelectric power. About one third of the waterfalls are owned by the central government, which has erected several generating stations and has built a huge system of trunk transmission lines. Electric power is widely used. Rural electrification is found on most of the farms of the nation—a very good record when one considers the sparseness of the population in many sections. The electrification of the state-owned railways also has been rapid. All this is part of an endeavor to lessen the amount of imported coal needed by substituting the white coal of the waterfalls, which are so abundant that even yet only a minor portion

is being utilized. The Board of Waterfalls produces about 40 per cent of all electrical energy generated in Sweden.

The Board of Public Works with local representatives in various parts of the country has charge of the construction and maintenance of public buildings including those belonging to the State Church. The National Meteorological and Hydrological Institute is also listed under the Department of Communications.

The Department of Finance in general performs the functions usually assigned to such a department, such as the collection of revenue, the custody and the disbursement of public funds, the coining of money, the auditing of public accounts, the inspection of private banks and the administration of the Post Office Savings Bank. An agency of a type not regularly included in a ministry of finance but so placed in Sweden is the Liquor Control Board, which administers the famous Swedish system for manufacturing and selling intoxicants, a system of such significance that it will be given further attention in a later chapter. The Central Bureau of Statistics, a highly useful and active agency, together with an advisory body, the Statistical Commission, is an independent bureau listed for administrative purposes under this ministry; it acts, among other things, as a census bureau.

Among the other important boards, or offices, within this department are: (1) the Land Revenue Board (*Kammarkollegium*), dealing particularly with the taxation of lands and waterfalls; (2) the Board of Customs; (3) the State Financial Office (*Statskontoret*), which receives, holds, and expends public funds; (4) the General Accounting Office (*Riksräkenskapsverket*), which has charge of the auditing of all government accounts; (5) a special Court of Tax Appeals (*Kammarrätt*); (6) the Bank Inspection Board, whose duty it is to inspect private banks and to supervise the activities of the Stock Exchange; and (7) the Royal Mint, which not only performs the function of minting all coins but has also

supervisory control of gold, silver, and tin manufactures and supervises weights and measures as well. The supervision of the State Tobacco Monopoly is also in the hands of the Department of Finance.

A duty regularly performed by a department of finance but in the Swedish setup placed elsewhere is the administration of the national debt. Likewise the control of the Bank of Sweden and other state-owned banks is *not* vested in the Department of Finance. These agencies will be briefly described in a later paragraph.

The minister of finance naturally plays an important part in the preparation of the budget, the legislative handling of which was described in the preceding chapter. The annual Swedish budget totals well over three billion kroner, including funds for payment of interest on the national debt and if possible payment on the principal also. The budget for the year ending June 30, 1946, included only 281 million kroner for the reduction of the national debt, which in 1946 amounted to over eleven billion kroner. Much of this debt was incurred for the construction of railways, the development of water power and in general for productive enterprises. The great bulk of the government securities is held by Swedish citizens.

The Swedish treasury receives a large income from various governmental enterprises, but the bulk of revenue, of course, comes from taxes, of which income taxes is the largest item. Import duties, automobile taxes, and tobacco and liquor taxes are also important sources. Besides the payments on the national debt some of the more important expenditures for the fiscal year ending June 30, 1948, are (in million kroner) : Department of Social Affairs, 965 ; Department of Defense, 799 ; Department of Public Worship and Education, 477 ; Department of Agriculture, 465. The Department of Foreign Affairs is in last place, with 20. Pensions accounted for the expenditure of 137 million kroner and the cost to Sweden of the Royal Household was about 2½ million.

Because of the close relationship between the church

and education which for centuries has existed in Sweden it is not surprising that the administration of ecclesiastical affairs and of educational matters should be lodged in the same department—the Department of Public Worship and Education. As a matter of fact the official name for the ministry is *Ecklesiastikdepartmentet*, that is, the Department of Ecclesiastical Affairs. The double name, which gives a more accurate description of the duties of the department, is, however, generally used in translations and therefore is used here. The organic relation between the church and the public school has not entirely disappeared. In a few small parishes the local school board is selected by the vote of the church members. Usually the local school board, which regularly includes representatives of the clergy, is selected by the local or municipal governmental authorities. In all schools religious education is included in the course of study.

The state Lutheran Church is organized along lines which permit a large amount of self-government. Each parish elects its own pastor. The constitution provides that when a bishop is to be chosen the king shall appoint from the three highest on the list recommended by the clergy and the chapter of the diocese. The Bishop of the Uppsala diocese is regularly made Archbishop. The national governing body of the church is the Church Assembly (*Kyrkomötet*), made up of the 12 bishops together with 18 clerical and 30 lay delegates democratically chosen. The Church Assembly is a sort of ecclesiastical riksdag. It meets every four years unless oftener called in special session. As pointed out in the first chapter of this volume there exists in Sweden the broadest religious toleration. Under the constitution the king and the members of his cabinet must be members of the state church; otherwise no one is under compulsion to hold church membership, and yet over 99 per cent of the church membership in Sweden is in the state Lutheran Church.

The most important educational administrative agency in Sweden is the Central Board of Education (*Skolöver-*

styrelsen). All elementary and secondary schools are immediately subordinated to the board, with much control, however, being left to local school boards democratically chosen. Local schools are heavily subsidized by the central government, even going so far in some cases as grants for boarding children in sparsely settled sections of the country. Education is free and compulsory and the Swedish educational system ranks very high. Except for certain technical schools, all educational institutions including the state universities at Lund and at Uppsala, are under the general supervision of this ministry. The University of Stockholm and of Gothenburg are private universities.

Among the other more important offices within the Department of Public Worship and Education are: (1) the National Archives, (2) the Royal Library, (3) the National Museum, (4) the Royal Opera and the Royal Dramatic Theatre, both state supported, and (5) the Cinema Bureau, which has the authority of censoring all films before public exhibition is permitted.

The Department of Agriculture, established in 1900, deals with matters relating to agriculture, fisheries, and forestry. A Bureau of Cartography as well as the Geodetic Survey are also administered within the department. With the agricultural industries furnishing the means of livelihood for a large part of the population, the work of this ministry looms large on the administrative scene. In accord with the administrative practices followed generally in Sweden its work is delegated to various virtually independent boards and offices. One of the most important of these is the Board of Agriculture (*Lantbruksstyrelsen*), which is the central authority for questions relating to agriculture and fisheries. This board also supervises agricultural education. Every phase of the agricultural industry requiring governmental assistance or supervision is dealt with by one or more of the various offices in the department. The supervision and control of veterinarians is divided between the Ministry of Agri-

culture and the Medical Board in the Ministry of the Interior.

Another important agency is the Board of Crown Lands and Forests (*Domänstyrelsen*), which administers the publicly owned lands and the public forests, including game protection. When one realizes that forests cover more than half the area of Sweden and that forest products constitute an important source of natural wealth it is not surprising that forest administration both public and private is of significance. About one fourth of the forests are publicly owned; almost one half are owned by farmers, and the remaining one fourth are owned by timber companies. Private forests are under the supervision of forest boards in each county (*län*). The forest board has the responsibility of compelling the forest owners to obey all laws as to the felling of trees and other legislation aiming at proper forest conservation. A National Forest Board located within the Ministry of Agriculture in Stockholm is the central co-ordinating agency of the county forest boards. Administered with the Department of Agriculture are the Forestry Experiment Station and the College of Forestry.

A comparatively new but very significant agency listed under the Department of Agriculture is the Home Ownership Board (*Statens Egnahemstyrelse*), whose purpose it is to stimulate home building in the rural areas. Further comment on its work will be made in a later chapter, where housing problems in general will be discussed.

The commercial and industrial interests of Sweden are particularly represented by two ministries. One is the Department of Agriculture already discussed, and the other is the Department of Commerce, established in 1920, which deals with industry and commerce outside the field of agriculture, fisheries, and forestry. The most important agency in the Department of Commerce is the Board of Trade (*Kommerskollegium*), which has a history running back for three hundred years. The Board

of Trade is the central governmental administrative office in matters involving commerce, shipping, industry, mining, and handicraft. The board is headed by a director general, who is assisted by six bureau heads. Various inspection services such as of mining, of explosives, of electric works, and of shipping are performed by the board, which, however, in all of the phases of its activities, works with a spirit of co-operation with those who are subjected to its regulation. The point of view of the particular industry involved is usually obtained before action is taken.

Another important agency listed under this department is the Pilot Board, which supervises the pilotage service and has charge of lighthouses and lifesaving stations. Other agencies are: (1) the Patents and Registration Office, in charge of patents and trademarks; (2) the Board of Insurance Inspection, which looks after the public interest by the careful supervision of insurance companies; (3) a Central Testing Station, which tests materials used in industry; and (4) the Geological Survey. Certain technical schools such as those for navigation are under the supervision of the Department of Commerce. The department also has some responsibility for the drafting of trade treaties and in this respect co-operates closely with the Ministry of Foreign Affairs, with which it also shares responsibility for looking after the interests of foreign trade.

The Department of Supply, established shortly after the opening of World War II (October 14, 1939, to be exact), is in a sense an emergency or a crisis agency. Because of the type of matters with which it deals it probably touches the lives of the Swedish people more directly than any other department. Swedish observers report that the work of this department receives closer attention from the public generally than do most government agencies. Among its more important responsibilities are those relating to such matters as: (1) economic planning for war or other emergency, (2) building up a reserve

through import of commodities in short supply, (3) war insurance on shipping, (4) supply of raw materials, (5) supply of food, stock food, fertilizers, and fuel, (6) import and export licenses, (7) transportation, and (8) price control.

A peculiar division of power over the administration of Swedish state finances keeps the control of the national debt out of the hands of the Department of Finance and vests it in the Nation Debt Office (*Riksgäldkontoret*). The office is headed by a board of seven directors chosen indirectly by, but directly responsible to, the Riksdag. This board handles matters regarding the loan policy of the kingdom and is charged with the management of the public debt.

The Bank of Sweden (*Sveriges Riksbank*), which claims to be the oldest bank now operating in the entire world, is state-owned and is controlled by a board of seven directors. The chairman of the board is appointed by the king (actually the cabinet) and the remaining members are chosen by the Riksdag. This means that the bank, which plays an important part in all matters relating to Swedish credit and finance, both public and private, is directly under the control of the parliament. The Riksbank has few direct relations with the borrowing public; it acts rather as a central bank for bankers.

The Riksbank has the sole power to issue bank notes. Much of the power usually exercised by a ministry of finance relative to the regulation of the monetary standard is in Sweden vested in the Riksbank. It is through the medium of the Riksbank that the much discussed "managed money" system of Sweden is operated. Not only does the Riksbank have complete central control but it has developed the new technique of making its objectives and programs known to the public. When Sweden went off the gold standard the Riksbank provided, for the first time in the history of the world, that a composite commodity standard should replace the gold standard. The psychological effect of this procedure together with

the manipulation of the official discount rate, the open market purchases of government bonds and the pegging of the sterling rate had marked results on the currency situation in Sweden. Sweden's experience indicates that a carefully carried out monetary policy is important in connection with a program to bring about economic recovery. It is recognized, of course, that the public works program and the subsidies to agriculture were also important factors in the Swedish recovery program.

Sweden has a large number of private banks all under strict government supervision. To be classified somewhere between the state-owned Riksbank and the purely private banks is a group of special credit and mortgage banks, whose directors are chosen by the government and whose bonds are partly guaranteed by the state but whose ownership is practically in private hands. An example of this is the General Mortgage Bank, which is the central agency for ten local agricultural mortgage associations.

4. Civil service administration in the Scandinavian countries. In none of the three kingdoms is there a central agency resembling in any degree a civil service commission. The extent to which the merit system is applied in the matter of appointments is left in each country to each ministry or agency and there are no general civil service examinations. Nevertheless there is much attention given to merit especially in those departments involving enterprises like post, railway, telephone and telegraph administration, and so on. In spite of this absence of uniformity in the testing of qualifications prior to appointment the Scandinavian countries all give to the civil servant much prestige and a reasonable degree of security. Detailed laws outline the rights of the public servant, including the right to form employees' associations; associations of civil servants are common in Scandinavia. Positions and salaries are carefully classified by law, and pensions systems are provided for. The Scandinavian

civil servant is not deprived of the right to hold an elective office, and the parliaments regularly contain many civil servants, usually on leave during the session.

The right to continue in a public post in the Scandinavian countries approaches the status of a vested right. The Danish civil service act contains provisions for the protection of public servants against arbitrary removals. The act also sets up an arbitration court to settle disputes between the civil servants' organizations and the government. The Norwegian constitution provides that no civil servant be dismissed except after notice and hearing and unless judgment has been pronounced against him by the proper tribunals; nor may he be transferred to another position against his will. By a law enacted in 1933 a special Civil Service Court was set up to settle disputes between civil servants and the government.

In Sweden the constitution prohibits the removal of civil servants except after trial and judgment, and further guarantees them against transfer except upon their own application. The guaranty against involuntary transfer, however, is modified slightly in connection with legislation raising the scale of pay. Under such legislation the acceptance of a raise in pay may be held to imply that in the case of unusual circumstance, such as administrative reorganization, the employee may be transferred without his consent to another position carrying the same or higher compensation. Furthermore, the Swedish civil servants have an unrestricted right to participate in political affairs. They may even become members of the Riksdag (but this would be very unusual). In few countries in the world are civil servants more carefully protected against partisan political influences than in Sweden.

A comparatively small number of the higher level policy-making officials and some of the top administrative chiefs are appointed provisionally, and therefore may be removed without notice and hearing. It often happens that such a position is held by a person holding also a protected position so that in case he is removed from the

provisional appointment he has the other to fall back on. The number of arbitrary dismissals even from the provisional appointees is very small.

The Swedish constitution provides that civil service appointments be made only on a merit basis. When a vacancy occurs in the Swedish civil service public notice is given so that applications may be filed by interested candidates. After scrutinizing the applications the appointing officers make a recommendation. This recommendation may be challenged by any dissatisfied applicant. If not challenged the appointment is completed. If challenged the nominee makes reply, after which the appointing officer makes a decision and passes it up to the department or agency head. Some types of laborers do not enjoy security of tenure but are, however, often employed under collective bargaining contracts. Both national and local government employees are by law given the right of collective bargaining but the employees of local governmental units are not covered by the special constitutional guaranties which apply to national employees.

All Swedish public officials and employees work under the glare of publicity. The constitutional guaranties of freedom of the press give the press the right of access to all public records (excepting, of course, those of a confidential nature in the field of diplomacy or of military affairs).

On the whole the administration of the civil service in the Scandinavias is carried on in a very commendable fashion and the net result is an efficient and democratic bureaucracy with many real opportunities for career men in the public service.

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CHAPTER VI

THE ADMINISTRATION OF JUSTICE

In each of the three Scandinavian nations there is a well-defined hierarchy of courts, and it is with the organization and functions of these three court systems that this chapter will principally deal. Closely related to the administration of justice in any nation is the whole matter of the civil and political liberties of the individual, as recognized by the state. Hence the chapter will include for each country a brief comment on what might perhaps be rather loosely called the Bill of Rights.

1. *The Danish court system.* The Danish Constitution, using the briefest possible phraseology, states, in section 2, that the judicial power is with the courts (*den dømmende Magt er hos Domstolene*). Later on, in sections 66 to 72 inclusive, the constitution contains other provisions regarding the judiciary. The organization and structure of the court system is left entirely to legislation. Only one tribunal is definitely set up in detail by the constitution, and this tribunal, the Court for State Trials (*Rigsretten*), is scarcely a part of the regular judicial hierarchy. It is rather a semipolitical tribunal to hear charges against the ministers, and has in fact almost fallen into disuse. Its organization and functions have already been briefly described in Chapter IV. In providing for *Rigsretten*, however, the constitution states that its membership shall include all the judges who sit on the "highest court of the land," thus implying two things, first that the judiciary should be headed by a supreme court, and second that *Rigsretten* is not looked upon as a part of the regular judicial hierarchy.

Not only are all matters relative to the organization and structure of the courts determined by law, but the constitution makes it clear that the judiciary is in every way subject to law. While the judicial power, that is, the power to decide cases, cannot be taken away from the courts the legislature seemingly has practically unlimited discretion in setting up special tribunals with power to act in a judicial capacity. At any rate in spite of the specific constitutional grant of judicial power to the courts there does not exist in Denmark the rule or practice of the separation of the powers as it is found in the United States. As a matter of fact the judiciary holds a position in a sense subordinate to the legislature, owing to the fact that almost every detail of the organization and functioning of the judiciary is determined by law.

To be sure there are certain constitutional limitations upon the legislature. No judge may be removed from his position except after proper notice and hearing; no judge may be transferred from one court to another except in the case of statutory court reorganization. The constitution further provides that any judge may be retired, but only on full pay at the age of 65.

The Danish courts apparently do not make any use of the power to declare laws unconstitutional. At any rate no Danish law has, under the existing constitution, been declared invalid. An interesting situation arises out of the constitutional guarantee that there shall be no expropriation of private property except for a public purpose and after the payment of fair compensation. As the constitution makes special provision for delay in the passage of any legislation expropriating property (see Chapter IV) it might be inferred that this safeguard rather than possible nullification by the courts is to be relied upon to protect the individual property holder against expropriation. In only one instance (in 1919) has a law been attacked as violating the guarantee against expropriation; in that case the law was upheld. As there are other guarantees clearly stated in the constitution besides that relat-

ing to expropriation it seems likely that these guarantees will not be enforced by the judicial nullification of legislation. To repeat, the Danish courts are not likely to exercise the power of judicial review, and a law violating the constitution seems to be as binding upon the courts as it is on any private individual or on any other public official. As a matter of fact, the Danish parliament has shown no inclination to legislate against the civil or political liberties of the individual. The constitutional guarantees are clearly recognized as *morally* binding upon the legislature, and the Danish private citizen, if he gives any thought to the matter at all, no doubt, feels fully as protected as though a court would intervene by nullifying a statute violating these guarantees. On the basis of *legal theory* it might be contended that the Danish courts have the power of judicial review, but in *actual practice* the power is virtually nonexistent.

Besides the provision relating to expropriation the rights specifically mentioned in the constitution include: (1) religious liberty, (2) freedom of the press, (3) freedom of assembly, (4) right to form associations, (5) right to engage in economic activity, (6) prohibition of unreasonable searches and seizures, (7) right of accused persons to a speedy court hearing, and (8) the right to appeal to a higher court. The constitution in a sense also guarantees equality among citizens by forbidding all laws extending any privilege to any persons holding titles of nobility and by prohibiting the granting of new titles. In connection with these guarantees it should be remembered there is no legal and orderly way to keep the Rigsdag from violating these safeguards except by the pressure of public opinion, including the use of the ballot box.

The Danish laws provide in detail for the organization of the court system. At the head of the system is the Supreme Court (*Højesteretten*) consisting of a president and twelve judges. The members of the Supreme Court, as are the judges of the lower courts, are appointed for life by the government (the king and the cabinet, which

means in reality the cabinet). Each member of the court receives an annual salary of 12,000 kroner except for the president who is paid 15,000 kroner. Three regular sessions of the court are held each year. The longest of these sessions begins in March and runs into June; another begins in October and closes just before Christmas; the third and shortest session begins after New Year's and continues about six weeks. In addition special sessions are frequently held during the summer and early fall. When the court is in session it sits daily (except Saturday and Sunday) from nine in the forenoon until two in the afternoon. While judges may be retired at 65 they frequently serve beyond that age. Thus on the court in 1946 were found one member aged 67 and another aged 69. The others ranged from 55 to 65 years of age. The president was appointed at the age of 61, while all of the other members were appointed in their fifties.

Next below the Supreme Court are the appellate courts, two in number, called *Landsretter* (which may be loosely translated "provincial" or "district courts"). The Eastern District comprises the islands, and the headquarters of the court are in Copenhagen. The Western District Court with headquarters in Viborg acts for the Danish mainland. Cases not involving the use of the jury are tried in Copenhagen and in Viborg respectively. Each district court, however, holds sessions in various cities within its jurisdiction for the purpose of hearing trials in which a jury is used. Each court consists of a president and—what might be considered as a rather large bench of judges for an appellate court—twenty-three members in the Eastern, and fourteen in the Western, District. The two presiding judges receive the same salary as the judge of the Supreme Court, namely, 12,000 kroner per year, while other members of the *Landsretter* are paid 9600 kroner annually. Of the thirty-nine members of the two courts who were in office in 1946, thirteen were in their sixties, nineteen were in their fifties, six in their forties, and one was 39. An investigation of the

ages at which appointment to the present position was made reveals that a majority of the members were appointed during their forties, a number in their fifties, two in their thirties and one at the age of 64.

At the base of the hierarchy of courts are the lower courts (*Underrettene*), about one hundred in number, each one with jurisdiction over one circuit (*Kreds*). In most of these jurisdictions there is only one judge; in a few districts there are two or three. When there is more than one judge in a district, cases are usually distributed among the judges on the basis of the subject matter involved; for example, one judge may handle all the criminal cases, another the civil.

Special mention must be made of the lower court for Copenhagen. It is surprising to learn that the capital city, containing nearly one fourth of the entire population of Denmark, is all comprised within one lower court jurisdiction. The natural result is that the lower court for Copenhagen, called officially *Byretten* (the Town Court), is made up of a much larger group of judges than in the smaller circuits. In contrast to the typical one-judge circuit outside Copenhagen, the Town Court consists of a president and twenty-two other judges. The court is divided into about twenty sections usually with one judge in each section, and each section specializes in certain types of cases; usually about half the sections handle penal action cases.

The relative importance of the Copenhagen Town Court may be indicated by the fact that its president receives the same salary as the presidents of the two district or appellate courts, namely, 12,000 kroner which, as already mentioned, is also the salary of the associate judges of the Supreme Court. The associate judges of the Town Court are paid salaries varying from 7800 to 8700 kroner depending upon the length of service. It is interesting to note that one of the judges of the Copenhagen Town Court is a woman, appointed in 1934.

The lower courts (*Underrettene*) including the Copen-

hagen Town Court have both criminal and civil jurisdiction. These courts try only those criminal cases of a minor nature where a jury trial is not required. The civil jurisdiction of the lower courts includes cases involving small amounts of money, domestic relations, illegitimacy, etc.

The district courts (*Landsrettene*) have both criminal and civil jurisdiction by appeals from the lower court. They also have original jurisdiction over more important civil cases and over all criminal cases where a jury trial is required. Any case before the district court must be handled by a bench of at least three judges. The district court is the only Danish court in which the jury is used. The twelve members of the jury in any given case are taken by lot from a carefully selected list of names made up annually in each of the areas in which the district court sits. In choosing the jury, the prosecution and the accused each has the right to object to not more than four names as they are drawn, the drawing continuing until twelve names have been selected. In all trials involving serious offenses, including political crimes, the participation of a jury is required by law. The accused is found guilty when eight or more members of the jury concur in such a finding. In case the accused is found not guilty the case is dropped, but even in case he is found guilty by the jury the court may, if in its opinion the jury has based its decision on insufficient evidence, order a new trial. In the retrial the judges and jurymen of the first trial are ineligible for participation. Owing to the fact that capital punishment was abolished in 1933 the most severe punishment is a life sentence. The new Danish penal code of 1933 is based on the most modern views as to the trial and treatment of criminals. In many of the criminal cases which come before the district court on appeal from the lower courts three lay judges—that is, citizens without legal training—participate on an equal basis with the regular judges in determining guilt and in deciding on penalties.

As a rule only one appeal is allowed in the Danish courts. In appeals from the lower court to the district court the latter regularly has final jurisdiction. By the initiative of the Supreme Court itself or upon a motion made by the minister of justice, however, a case begun in the lower court and appealed to the district court may be taken on to the highest court. This is most unusual, however, and practically all of the cases appealed to the Supreme Court are those which have originated in the district courts. Attorneys are commissioned by the minister of justice; women as well as men are eligible after securing a thorough legal training. The tests for admission to the district court and the Supreme Court are more severe than those required for other courts. The state provides a public prosecutor in each court. In cases of importance the state also provides a public defender especially where the accused does not himself furnish legal counsel. The Danish law also provides for procedure for reconciliation between the parties to a suit so as to make formal court action unnecessary. Such procedure may be in charge of the judge himself or it may be handled by a reconciliation commission such as, for example, is set up in Copenhagen in connection with the Town Court.

In addition to the regular hierarchy of courts there are certain special tribunals that handle cases involving particular fields. The most noteworthy of these is the Maritime and Commercial Court (*Sø-og Handelsretten*), which, sitting in Copenhagen, has jurisdiction over cases involving the legal questions concerning maritime and commercial matters which arise in the capital city. Controversies in this field arising in the provinces may also, with the consent of both parties, be tried in this special court. The Maritime and Commercial Court is made up of two lawyers and a large panel of representatives of commercial enterprises and another large panel of persons actively engaged in maritime affairs. The president of the court, a lawyer, receives the same annual salary as the associate judges of the Supreme Court, 12,000 kroner.

An appeal from this court may be taken directly to the Supreme Court.

Another important special tribunal is the Permanent Arbitration Court, whose function it is to settle disputes involving collective agreements between employers and workers. Further discussion of the work of this tribunal will be found in a later chapter. Previous to 1919 there existed in Denmark a hierarchy of military courts, whose jurisdiction included not only purely military affairs but all criminal charges against those in the military service. The military courts, however, were abolished by law in 1919 and all military matters are now within the jurisdiction of the regularly constituted court system. Matters involving the duties, responsibilities, and rights of the clergy and other church officials are not within the jurisdiction of the ordinary courts but are handled by the ecclesiastical courts. In cases brought against a bishop, however, the Supreme Court has original jurisdiction. It should be noted that there does not exist in Denmark a separate set of administrative courts such as are found in many continental nations.

2. *The Norwegian judicial system.* The Norwegian constitution devotes one section (section D, Articles 86-91) to the judiciary. Only two courts are specifically set up by the constitution and one of these, the High Court of the Realm (*Riksretten*), is scarcely a part of the regular judicial hierarchy. As indicated in Chapter IV the High Court is virtually a tribunal for trying impeachment proceedings brought against the ministers, against supreme court judges, and against members of the Storting. Its quasipolitical nature is indicated by the fact that all members of the Lagting are ex-officio members of the High Court, which includes also all members of the Supreme Court. As both the prosecution and the accused have the right of challenge, it naturally follows that the accused will not sit as a member of the court in his own trial. The High Court may issue sentences for punish-

able offenses even to the extent of capital punishment. The pardoning power exercised by the king in council (in reality by the ministry) does not extend to punishment inflicted by the High Court except that a death sentence may be commuted. The pardoning power, however, does extend to all penalties inflicted by any of the courts in the regular judicial hierarchy from the Supreme Court down.

The Supreme Court (*Höiesteretten*) is the other judicial tribunal specifically provided for in the written constitution. The constitution goes further and specifies that the Supreme Court shall consist of a president and at least four other members. Under the constitution the Supreme Court is given final jurisdiction and this provision is given emphasis by the statement in a later article that the "judgments of the Supreme Court may not in any case be appealed against"—a statement which except for the purpose of emphasis would seem redundant. While the Supreme Court does have final jurisdiction it does not follow that all cases must be appealed to it. In fact the constitution clearly states that the right to bring an action to the Supreme Court shall be determined by law.

Under the Norwegian constitution the executive power (*den utøvende makt*) is vested in the king (which in practice means the cabinet), and the legislative power (*den lovgivende makt*) is exercised by the Storting. While there is no direct statement vesting the judicial power (*den dømmende makt*) in the courts it is clearly implied that this is the case. The Norwegian courts constitute a co-ordinate branch of the government in that their duties cannot be interfered with by the executive or the legislature *except by law*. Neither may the judiciary except under authorization of law interfere with the executive or legislative processes.

At this point there naturally arises the question of what powers the judiciary of Norway has in the matter of nullifying a properly enacted statute on the grounds that it violates the written constitution. The Norwegian constitution contains a number of guarantees not only against

general infringements of individual rights but specific prohibitions against certain types of legislation. Thus in section 97 it is provided that "no law may be given retroactive effect." While the courts do not formally declare a retroactive law null and void they do refuse to apply the law to cases where individual rights are affected retroactively. This rarely amounts, of course, to judicial review.

Another interesting provision in the Norwegian constitution is to the effect that no private property shall be taken for public use unless full compensation is made. In case a law is passed which expropriates property without providing for full compensation the courts will carry out the law but will enter a judgment against the state to cover the value of the property expropriated.

The constitution contains a number of other guarantees. The guarantee of freedom of the press has been interpreted to prevent previous censorship. This guarantee does not free the writer or publisher from responsibility for damage resulting from publication. Neither does the guarantee cover the theater, the concert hall, or the cinema. Over all of these, previous censorship is constitutional.

Discriminatory restrictions on trade are forbidden. The right to the complete ownership of land and certain rights as to succession of property cannot be abolished and no titles of nobility may be granted. The rights of accused persons are protected by the constitutional provision that "no one may be convicted except according to law or be punished except according to judicial sentence." The use of torture in connection with trials is forbidden. The Norwegian courts have the power to nullify any laws which violate any of the guarantees. As a matter of fact, however, the power of judicial review is used most sparingly and the chief protection of the citizen against encroachments on civil and political rights lies in the democratically elected Storting, which looks upon the constitutional guarantees as having moral as well as legal

force. The Storting confers with the attorney general before enacting laws of doubtful constitutionality, and seldom is a law passed which can reasonably be counted as being in violation of the constitution. In short, the Norwegian courts *legally* have the power of judicial review, but in *actual practice* judicial review plays a much less significant part than it does in the judicial systems of the United States and of the various states of the American Union.

All judges are appointed by the king (in reality by the cabinet) for a life term. It must be remembered, however, that the constitution provides that all appointed public officials and public servants may be retired at the age provided by law. This provision also applies to the judges. Judges like other public officials may be dismissed for cause, but only through the use of a procedure which amounts to a court hearing. Any judge may be suspended while awaiting such a hearing. The usual retirement age for judges is 70. The constitution specifically prohibits the appointment to the Supreme Court of anyone under 30 years of age and to other courts of anyone under 25 years.

At the top of the judicial hierarchy, of course, is the Supreme Court, with both civil and criminal jurisdiction. At the bottom are the hundred or more town and district courts, which also have both civil and criminal jurisdiction. Civil cases are first heard before a local conciliation council (*forliksråd*) and settled there if possible before being brought to the lower court. Between the Supreme Court and the town and district courts there were, previous to July 1, 1936; (1) the superior courts (*overrettene*), three in number with civil jurisdiction only; and (2) *lagmannsrettene* (literally the jury courts), three in number with criminal jurisdiction only. On July 1, 1936, the superior courts were abolished and all their duties turned over to the *lagmannsrett*.

The Supreme Court consists of a slightly varying number of judges, regularly around twenty, a number far in

excess of the minimum constitutional requirement of five members. The presiding judge is paid 16,200 kroner annually, the two senior associates 13,500 each, and the remaining judges 12,600 each. An examination of the roll of Supreme Court judges as of the year 1946 reveals that six were between 60 and 70 years of age, four were in their fifties, while seven were in their forties. At the time of their appointment ten were in their forties, six in their fifties, and one was 64.

As a rule the Supreme Court meets in two separate sections, and, as each section consists of more than the five judges prescribed by the constitution, a decision by a section is legally a decision by the Supreme Court. In certain cases the entire court sits. Three members of the court constitute an appeals committee (*kjæremålsudvalg*), which hears both civil and criminal appeals and decides whether the case should go before the court. Some writers list the Appeals Committee as a separate court, but it seems reasonable to look upon it rather as an integrated agency of the Supreme Court for sifting out the cases which deserve to be heard on appeal.

Norway is divided into five court districts. In each of these the lagmannsrett hears appeals in civil and criminal cases from the lower courts. The lagmannsrett holds sessions in various parts of the district as the cases before it demand. Three judges, usually assigned to a district for a term, constitute the court. The presiding judge is paid 12,150 and the associate judges 9900 kroner yearly with certain comparatively small increases with length of service. It is only in the lagmannsrett, and there only in criminal cases, that the jury is used in Norway. The members of the jury are selected from a panel prepared for a three-year period by a special committee appointed by local municipal authorities. The Norwegian jury is made up of ten members and the accused is declared guilty if more than six jurymen so vote.

Since 1936 the lagmannsrett has also heard appeals in civil cases. In certain cases involving technical or special-

ized matters, experts in the particular field may be added to the bench. This represents part of a movement in Norway to use nonjuristic authorities in deciding certain types of cases.

The lower town and district courts are of three kinds: (1) In each of the larger cities, Oslo, Bergen, Trondheim, and Stavanger there is a town court (*byrett*). The town court consists of a presiding judge (10,800 kroner per year) and a number of associate judges (7650 kroner)—varying from two associates in Stavanger to about twenty in Oslo. (2) In about a dozen of the larger towns, other than the four mentioned above, the work of the town court is performed by the *byfogd*, who is a combination of a notary public and constable or marshal, with no connection, however, with the local police, and who in these dozen towns acts as the judge with the same jurisdiction and powers as the town court in the larger cities. In most towns the *byfogd* receives 9000 kroner per year. (3) The rest of the country is divided into districts (*sorenskriveri*), between eighty and ninety in number, each under a local magistrate (*sorenskriver*), who receives in most instances 9000 kroner per year in salary. In all of these three types of courts, (1) the town court, (2) the *byfogd*, and (3) the *sorenskriver*, the powers are the same and all have both civil and criminal jurisdiction.

Women are eligible on the same basis as men to all public positions including judgeships. Up to the present, however, no woman has been a member of the Supreme Court or of any court of second instance. The Oslo Town Court in 1934 included among its members two women.

As already indicated civil cases are not brought to court until after they have been heard by the local conciliation council. These councils are made up of three mediators selected by the local municipal authorities. The council tries to settle the case out of court and has authority to give judgment in minor cases when parties agree or when one party defaults by failing to appear. If the concilia-

tion council fails to settle the case it is then brought to the lower court—town or district—where the judge acting alone or in some cases acting jointly with two lay judges renders the decision. Appeals from the judgment of a town or district court may be made to the lagmannsrett in cases involving not more than 5000 kroner. When such an appeal is heard before this court the regular judges must be assisted by lay judges in cases where such procedure was followed in the lower courts. In cases involving larger amounts the appeal is made directly to the Supreme Court. Civil cases heard on appeal by the lagmannsrett may also be appealed to the Supreme Court when the motion to appeal is first heard by the Appeals Committee. No appeal can be brought to the lagmannsrett without the consent of the court unless it involves an amount over 500 kroner. No appeal may be made to the Supreme Court without the consent of the Appeals Committee unless in an amount over 3000 kroner.

In criminal matters the town and district courts have original jurisdiction over cases where the penalty does not exceed five years. In criminal cases the judge of the lower court is often assisted by two lay judges drawn by lot from a panel prepared by the local authorities. In cases of appeal from the town and district courts or in cases involving crimes carrying a penalty of more than five years the trial is held before the lagmannsrett, where as above described the jury plays an important part. As a rule the decision of the jury on the question of guilt is final and may not be reversed even in an appeal to the Supreme Court. The Supreme Court, however, may order a retrial in case new evidence has been discovered or in case of errors in the procedure.

Appeals from the lagmannsrett may also be made to the Supreme Court in respect to the severity of the sentence imposed. The Appeals Committee of the Supreme Court may reduce a sentence originally imposed by a town or district court, but if the appeal involves the in-

crease of such a sentence or is an appeal as to the sentence imposed by the court of second instance—the lagmannsrett—the Appeals Committee merely determines whether an appeal shall be allowed.

Permission to practice before the courts is granted by the Department of Justice to those properly trained in the law. An attorney licensed by the Department of Justice may, after two years of experience, be licensed to practice before the courts of second instance. Still higher requirements must be met in order to practice before the Supreme Court. The government not only appoints prosecutors in every jurisdiction but appoints public defenders as well.

In addition to the regular judicial hierarchy Norway like every other modern country has a number of special courts dealing with such matters as labor, fisheries, military conduct, and relations between the civil servants and the government—the latter under the jurisdiction of the special Civil Service Court alluded to in the foregoing chapter. These special courts, however, do not play an important part in the Norwegian judicial procedure. Like Denmark and unlike many continental countries Norway does not have a separate system of administrative courts.

The use of lay judges in many instances to assist the juristically trained and legally minded judges is evidence of the fact that in this modern democracy it is recognized that not only a knowledge of the law but also a knowledge of the persons, things, and the social situations to which the law applies is necessary for a fair decision in a given case.

3. *The Swedish judicial system.* The Swedish constitution provides in some detail for the organization and functions of (1) the Supreme Court (*Högsta Domstolen*), which is the court of highest instance in the regular judicial system; (2) the Supreme Administrative Court (*Regeringsrätten*), which is the court of last resort on many administrative problems; and (3) the Court of Impeach-

ment (Riksrätten), already briefly described in Chapter IV. The details of the organization, jurisdiction, and functions of the lower courts are not found in the constitution but are determined by statute. Up to January 1, 1948, the statutes to a very large degree consisted of the Law of 1734 and amendments, with the result that the general outlines of court organization and procedure had not been greatly changed in the last two centuries. The legislation which went into effect in 1948 (although enacted in 1942) made important revisions in judicial procedure. It did not, however, contain any important changes in court organization.

As far as an independent judiciary is possible under a parliamentary system, where the lawmaking agency predominates, Sweden has an independent court system. It is independent in the sense that neither the executive nor the legislative arms of the government may interfere with it except as authorized by the constitution or statutes. As the Swedish courts do not exercise the power of judicial review over statutes properly enacted, it means that it is constitutionally possible for the legislative branch to impair or even destroy the independence of the judiciary. The Swedish Riksdag, however, has shown no inclination to interfere unduly with the courts and in effect looks upon the constitutional provisions relative to the courts as morally, even though not legally, binding. An interesting device which gives the judiciary a certain amount of influence in checking proposed legislation which may be contra to the fundamental law is the establishment, by the written constitution, of the Law Council (Lagrådet), already mentioned in an earlier chapter. The Lagråd, made up of three judges of the Supreme Court and one judge of the Supreme Administrative Court, acts as an advisory body on important proposed bills, and the opinion of the Lagråd is transmitted to the Riksdag. While this opinion is only advisory it is nevertheless true that any statement by the Lagråd to the effect that it looks upon a piece of proposed legislation as violating the con-

stitution would have great influence upon the legislators. When a law is properly passed, however, it is not subject to judicial review no matter how clearly it may violate the written constitution. This means that Swedish citizens depend upon the Riksdag rather than upon the courts to maintain the constitutional guarantees. The remedy against abuse of legislative power, if such abuse should come in Sweden—though such an eventuality seems improbable—is found in the ballot box.

In describing the relationship existing between the judiciary and the Riksdag it must be remembered that the Justitieombudsman (the Parliamentary Supervisory Official for Civil Affairs—see Chapter IV) acts as the agent of the parliament in the constant scrutiny of the judicial as well as of the administrative branches of the government. While this official has no power of *direction* over the judicial and administrative services, any report of defects or maladministration which he may make to the Riksdag is likely to be followed by prompt parliamentary action. The Justitieombudsman is also vested with the duty and power of bringing charges against members of the Supreme Court and against members of the Supreme Administrative Court, which charges are heard before the Special Court of Impeachment (Riksrätten). In view of the fact that no cases of this sort have ever been brought, it seems that here, as also in the matter of hearing charges against members of the department (see Chapter IV), the Court of Impeachment is for practical purposes in complete disuse.

Another constitutional check also in complete disuse is *Opinionsnämnden* (literally, the Opinions Committee). This group of forty-eight is chosen one half by each of the two houses of the Riksdag. A member or members of the Supreme Court or of the Supreme Administrative Court may be removed from office by a two-thirds vote of the Opinions Committee. This procedure has never been used and at present it has no significant place in a realistic picture of modern Swedish government.

The atrophy of these agencies which were established to check the judiciary indicates that there is no contest for power between the courts and the Riksdag. The courts show no desire to declare laws invalid in connection with any possible violation of the constitutional guarantees; at the same time the Riksdag shows no inclination to legislate in violation of such guarantees.

While the Swedish constitution does not contain a particular section which might be denoted as a bill of rights, there are found in the various parts of the fundamental law many definite guarantees of individual freedom. Of the guarantees, by far the most outstanding in the Swedish constitutional system is that relating to the freedom of the press. Because of the strict censorship that had at various times been laid upon the press by Swedish monarchs the constitution of 1809 (still in force with amendments) provided that the new law guaranteeing freedom of the press soon to be enacted was to be considered a part of the written constitution. This law, enacted in 1812 and still (as amended) in force, prevents all previous restraint upon the printed word. While censorship is forbidden, the writer or publisher is liable for damages resulting from publication and for punishment in case the material published is slanderous, blasphemous, indecent, or in violation of statutes prohibiting the abuse of the freedom of the press. In all cases where it is charged that any printed matter is outside of protection afforded by the constitution a jury trial is held to determine the validity of such charge. The fact that this is the only type of case, criminal or civil, where the jury is used in Sweden indicates clearly the significance which the guaranty assumes in the minds of the Swedish people. The jury in such cases is made up of nine members and is chosen as follows: The court selects, by casting lots, seven members from a special list of jurymen, and each of the parties selects three members; after that each party excludes one of the members named by the court and one of the members named by the other party, with the result that the court chooses

five members, the defendant two, and the plaintiff two. The published material is held to go beyond the limits of constitutional protection if six or more of the jurors so agree.

Giving added meaning to the guaranty of a free press is the committee of the freedom of press elected by the parliament to work under the chairmanship of the Justitieombudsman (see Chapter IV) as an examining body in case any author or publisher wants an advance opinion as to the legality of the material proposed to be published. If this committee approves the material, all responsibility for the consequences following its printing devolves upon the committee. This peculiar device has, however, practically fallen into disuse as requests for such advance opinions have ceased almost entirely.

Among other guaranties specifically mentioned in the Swedish fundamental law are the following: (1) There is for the private individual the guaranty of complete freedom of worship, although the king and certain officials must belong to the state church. As indicated in Chapter I the Swedish people carry out not only the letter but the spirit of this guaranty by the practice of full religious tolerance. (2) No person may be deprived of life, liberty or property except through law and after proper judicial procedure.¹ It should be noted that this guarantee differs materially from the American due process clause in that in Sweden the protection does not prevent such deprivation through statute. Again, it should be said that such legislation is not likely to issue from the Swedish Riksdag. (3) Each person has a right to privacy in the home. (4) No person shall be deprived of public office except through law and after proper judicial procedure. This provision has always been looked upon as a cornerstone in the Swedish executive and judicial systems because of its importance in achieving stability in administration and objectivity on the part of its officials. In addition to the

¹ See portions of section 16.

constitutional guaranties numerous instances of the protection of the civil and political liberties of the individual are found in the statutes.

All Swedish judges are appointed by the king (actually by the cabinet) and serve until they reach the retirement age, which is fixed by law at 65; upon retirement pensions are paid. Except for the removal procedure prescribed for the Opinions Committee (which as indicated above is not used) no judge of any court may be removed from office except after a proper judicial hearing.

Previous to 1909 the ordinary Swedish courts had jurisdiction over cases in administrative law—as is still the case with the ordinary court systems in Denmark and in Norway. In that year there was set up by constitutional amendment the Supreme Administrative Court (*Regeringsrätten*), to which was given the final jurisdiction over cases arising in connection with the public administrative services including the ecclesiastical. Cases coming to this court are regularly appeals from decisions made by one or the other of the numerous administrative agencies of the government both local and central. According to the constitution the Supreme Administrative Court is to consist of at least seven members (ten members in 1948). It is further provided in the fundamental law that the members of the court shall include persons who have held civil administrative posts. At least two thirds of the members of the Administrative Court must possess the qualifications prescribed by law for judges. This means that the court is not necessarily made up entirely of jurists. It is nevertheless correct to refer to this agency as a court and its members as judges. Of the present members one is a civil engineer, three have served in administrative positions, and seven have had court experience. Of the present membership two are in their forties, six in their fifties, and two in their sixties. All but three of the sitting judges were appointed while under the age of fifty. The members of the Court receive a salary of 22,500 kronor annually. The types of cases which come

before the Supreme Administrative Court include, for example, those involving (1) elections of members of the Riksdag and elections to the quinquennial Ecclesiastical Assembly (*Kyrkomötet*), (2) decisions of local administrative bodies, (3) taxation, (4) patents, (5) pensions, (6) traveling expenses and other allowances. In fact every field of civil and ecclesiastical administration may within the limits of the statutes on the subject bring appeals to the Supreme Administrative Court.

The judicial hierarchy for all ordinary cases both civil and criminal is made up of (1) the Supreme Court (*Högsta Domstolen*)—members of the court are given the title *Justitieråd*; (2) the courts of appeal (*hovrätterna*²)—six in number, which were established long before the present constitution; (3) the lower courts or courts of first instance. In the rural areas and in the smaller towns the lower courts are known as the *häradsrätterna* (the courts for the *härad*—the latter term being the designation of the local judicial district); these courts will be referred to here as the district courts. In the larger towns and cities the lower courts are known as *rådhusrätterna* (literally the city hall courts—sometimes translated borough courts).

The Supreme Court, established in 1789, was already in existence at the time of the adoption of the present constitution in 1809. Previous to 1789 the king's council, the predecessor of the modern cabinet, acted as a court of final instance. According to the constitution the membership of the Supreme Court shall not be less than twelve but the number may be increased by special law. At present the court, consisting of twenty-four judges, works in three sections. In most cases at least five, but not more than seven, judges must participate and in certain cases the entire court sits as a unit. Of the present membership two are in their forties, twelve in their fifties, and

² This term represents a combination of the word *hov* which means "court" as related to a royal family and the word *rätterna* meaning the "courts." The term has been in use for centuries.

ten are over sixty years of age. At the time of their respective appointments, three were in their fifties and the remaining twenty-one in their forties—eleven of them forty-five years of age or less. The salary paid to Supreme Court judges is the same as that paid to the judges on the Supreme Administrative Court, namely 22,500 kroner per year.

All decisions of the Supreme Court are made in the name of the king, who up to 1909 was entitled to preside over the court and cast two votes. The king seldom exercised this prerogative. Under the present organization the king is not a member of the court. The king, however, appoints the presiding judge, who at present is also the senior judge.

The Swedish constitution also gives the Supreme Court final jurisdiction over cases appealed from the military courts (which will be briefly described below). In such cases, says the constitution, three persons of high military rank must be added to the court, and the court today, in addition to the twenty-four judges already referred to, contains three military members, two army officers and one navy officer, who sit only when appeals are made from the military courts. While it is true that cases involving ecclesiastical administrative law regularly go to the Supreme Administrative Court there still remain certain church matters, as for example cases involving neglect of duty by bishops, for which the ordinary Supreme Court is the court of last resort.

The six courts of appeal (*hovrätterna*) are (1) the Svea³ Court of Appeals in Stockholm, established already in 1614; (2) the Göta Court of Appeals established in 1634 and located in Jönköping; (3) the Court of Appeals for Skåne and Blekinge dating from 1820 and located in Malmö; (4) the Court of Appeals for Upper Norrland established as recently as 1936 with headquarters in Umeå; (5) the Court of Appeals for Western Sweden

³ An old term practically synonymous with the word "Sweden."

located in Gothenburg; and (6) the Court of Appeals for Lower Norrland located in Sundsvall. The last two courts of appeal were set up in 1948. Each of these courts consists of a presiding judge and a number of associate judges working in divisions. In Stockholm the court has eight divisions. The Jönköping, Malmö, and Gothenburg courts have three divisions each, while the Sundsvall and Umeå courts have two each. The various divisions of a court of appeals specialize in certain types of cases. In the Svea Court of Appeals, however, are found two divisions which in many respects are separate courts. One of these is *Krigshovrätten* (the Military Court of Appeals), made up of three judges of the regular court of appeals and two military members. This special court hears appeals from courts martial. The other division is *Vattenöverdomstolen* (the Court of Appeals on Water Rights), made up of four regular members of the court of appeals and one member who is an authority on water rights. This special court hears appeals on water rights, especially power and irrigation, which come from four special water rights courts distributed geographically in the various parts of Sweden. In these lower water rights courts the presiding judge only is a trained jurist; of the four nonjurist members, two are engineers. The six courts of appeal have supervisory authority over the lower häradsrätterna which are located within their respective appellate districts—into which all of Sweden is divided.

The courts of first instance are, as above noted, the district courts in the rural sections and smaller towns and the city hall courts or borough courts in the cities. Each of these courts has the same competence and jurisdiction but they differ somewhat in organization and operation. The district courts, about 125 in number, each have a single judge who holds court in various subdivisions of the district. The judge, however, does not constitute the court alone; he is assisted by a committee (*nämd*) of eighteen citizens who are chosen by public election in each

subdivision for a six-year term. These assistants of the judge—sometimes miscalled jurymen—pass, in collaboration with the judge, on questions of evidence and of law and serve on all cases arising during the term for which they are elected. If the lay assistants disagree the judge decides. At least seven and not more than twelve must be present in each case and a unanimous vote of those present can overrule the judge. In certain simple disputes only three lay assistants are required. These unpaid court positions are regarded as a real honor by the Swedish citizens. The peculiar use of laymen on the bench has strengthened the confidence of the general public in the courts. As noted elsewhere the jury in the usual sense is not used at all in Sweden except in cases involving the freedom of the press.

Approximately 50 of the larger cities and towns are outside the jurisdiction of the district courts and each of these has a court of first instance of its own—namely the borough court (*magistraten*). The demarcation between towns which have borough courts and those which do not, and therefore are under the jurisdiction of the district court, however, is not clearly marked on the basis of population. Several towns much smaller than certain others that have no borough court have such a tribunal of their own, but in general the larger towns have borough courts.

The burgomaster (*borgmästaren*) is the presiding judge. No person may be the burgomaster of a city without juristic training. The remaining judges (the *rådmänn*) are, of course, trained jurists. The size of the borough courts naturally varies with the size of the city. In criminal cases where the possible sentence is two or more years of penal servitude the court consists of one judge and at least seven and not more than twelve lay members of the *nämnd* (citizens committee). In Stockholm there are twenty-four judges in addition to the burgomaster, and the court is divided into several sections. In certain highly specialized cases experts are called in to join the

courts. In some of the large cities there are police courts with jurisdiction over petty cases.

At each of the three levels or instances the Swedish courts have both civil and criminal jurisdiction. In the district court the unanimous vote of the citizens committee may overrule the judge both in civil and in criminal cases. In the borough courts the majority of the judges decide in civil cases. If the vote is 50-50 the presiding judge decides. The same voting rules hold also in criminal cases when no citizens committee participates. If such committee participates, the committee may as in the district courts overrule the judge by a unanimous vote. Where no lay committee participates the decision is made by a majority vote of the judges. If the vote is 50-50 the mildest sentence stands. In the higher courts decisions are made by majority vote of the judges. Regularly cases begin in the lower courts and the jurisdiction of both the district and the borough courts covers all cases regardless of the amount at issue.

All cases both civil and criminal may be appealed to the Court of Appeals where new evidence may be admitted and no request for an appeal can be denied. Appeals from the appellate court to the Supreme Court, however, may not be made in civil cases where the amount involved is less than 1500 kronor nor in criminal cases which do not involve punishment beyond a fine. Under the new law, effective in 1948, even cases not excluded from appeal by these limitations need not be heard by the Supreme Court. That court may refuse to hear any appeal unless the decision involved is of special importance in achieving unified interpretation of the law or unless the Court feels after a preliminary review that the verdict of the lower court seems to need further scrutiny. Previous to 1948 the procedure was in writing in the courts of appeal and in the Supreme Court. Under the new law the procedure in the higher, as well as the lower, courts is oral. In a limited number of cases the court of appeals, and in a still more limited number the Supreme Court, has origi-

nal jurisdiction. Such cases usually involve charges of malfeasance in office brought against certain officials, including judges.

Sweden has a number of special courts. Some of these such as the water rights court, for example, have already been mentioned and related to the rest of the judicial system. Perhaps the most noteworthy special tribunal, so far unmentioned in this chapter, is the Labor Court (*Arbetsdomstolen*). Made up of a president and seven associates, most of whom are specialists in the field of labor and industry, this court engages in the settlement of disputes arising out of collective bargaining.

A most striking characteristic of the Swedish court system is that there are no qualifications required for appearance as an attorney before the court. Any citizen may act as his own attorney and any Swedish citizen of good standing may plead before the court. A private lawyers association certifies that its members are trained in the law so that any citizen wanting legal advice may be assisted in securing trained help. Beginning in 1948 the lawyers association has been recognized to the extent that no person may call himself a lawyer unless he is a member of the association. Only in case the court itself appoints an attorney must a lawyer be chosen.

The absence of the jury system is a notable feature of the Swedish legal system. In this respect Sweden differs from both Denmark and Norway. In none of the Scandinavian countries, however, does the jury play as large a part as in America or in England. The power of judicial review, not strong anywhere in Scandinavia, is missing entirely in Sweden. In the field of administrative law Sweden also differs from her two neighbors in that she has set up a separate administrative court system. Regardless of these differences, however, it is obvious that there is a marked resemblance among all these countries to the extent that each has a strong, well-manned, and effective court system enjoying the respect and confidence of the common people.

CHAPTER VII

LOCAL GOVERNMENT IN SCANDINAVIA

The organization and the functions of the local governmental units of the three Scandinavian nations are so similar at many points that it would not be difficult to discuss all of them simultaneously. For example, the Danish Amt, the Norwegian fylke, and the Swedish län—each one much like the English county in that the larger towns are exempted from its jurisdiction but unlike the English county in certain other respects which will be discussed later—have more points of resemblance than of difference. In both rural and urban local government there is close resemblance among the three countries. Nevertheless it would be somewhat confusing to follow the procedure of throwing together in each paragraph items of information regarding all three. We shall, therefore, in the interest of clearness describe the local governments of each nation separately. After this is done some pertinent comparisons between all three will be made.

1. Danish local government—historical development. The powers of local self-government now enjoyed by the governmental subdivisions of Denmark are of comparatively recent origin especially in the rural areas. At the beginning of the nineteenth century some of the larger towns had an elective council and then only by a severely restricted suffrage, but there were no locally elected officials in the rural communities. On the basis of legislation enacted in 1837, the six largest cities other than Copenhagen chose councilmen on a suffrage so limited by property qualifications that only 7 per cent of the population

was included. Not until 1840 were the citizens of the capital city given a limited municipal suffrage, which, however, permitted only 2000 persons out of a population of 120,000 to vote. Early in the nineteenth century local rural communities began to elect—but under a severely restricted suffrage—poor law and school officials. As late as the middle of the century less than 1 per cent of the rural population could vote on local questions. During the decades following the adoption of the June constitution in 1849 municipal suffrage and municipal local powers were slowly broadening. At the close of the century the right of suffrage in local matters was limited to about 12 per cent of the population in Copenhagen, to about 16 per cent in the other larger cities, and to about 18 per cent in the rural communities.

Since 1900, however, the municipal suffrage has been greatly broadened, although even today it is not as broad as the parliamentary suffrage. The age limit, 25, is the same for both suffrages but for the municipal suffrage there are two qualifications which do not exist in connection with the right to vote in national elections. (1) One must have had residence in the municipality since January first of the preceding year. As elections regularly occur in March this means a fifteen month residence requirement, which serves in effect to disfranchise certain of the servant class and of casual workers who are likely to move from one jurisdiction to another. (2) One must be a taxpayer in the community and not be delinquent. If a husband or wife is a taxpayer the spouse is thereby also qualified to vote.

While the development of the municipal suffrage is clearly in the direction of democratic local self-government there are other points at which developments move in an opposite or at least a different direction. The local governmental units in Denmark have increasingly become to a large degree administrative districts for carrying out national policies and administering national laws. The only reference to the local government units found in the

present constitution is in section 89, which provides that "the right of municipalities to manage their own affairs independently under control of the State shall be laid down by law."

2. *Local subdivisions.* All of Denmark with the exception of the larger cities and towns is divided into 22 areas called *Amt*¹ (singular, *Amt*). Each *Amt* is made up of a varying number of parishes (*Sognekommuner*), of which there are about 1300 in all. The boundaries of the administrative parish coincide with those of the historic ecclesiastical parish (the *Sogn*), which still continues to function (about 1800 in number). In many instances two ecclesiastical parishes are joined together in one administrative parish. In this discussion the word "parish" will be used to denote the administrative parish.

The cities of Denmark are outside the jurisdiction of the *Amt* and, as will be shown later, have local responsibilities much like those given to the *Amt*. The Danish cities are classified into (1) the capital, Copenhagen, which is in a class all by itself; and (2) *Kobstæderne* (the provincial towns), about 80 in number. Included in this group is Frederiksberg, a suburb of Copenhagen and the second largest city in Denmark. Although not listed technically as a provincial town, Frederiksberg has much in common with this group.

3. *The Amt.* The intimate relationship between the central administration in the capital city and local administration and the close supervision exercised over municipalities by the national government are indicated by the powers and duties of the chief official of the *Amt*—the *Amtmand* (loosely translated as the governor). The governor is appointed for an indefinite term (virtually a permanent appointment) by the king (in reality by the

¹ This word is usually translated by the word "county" although certain resemblances to the French local units would make the word "prefecture" also acceptable.

cabinet upon the recommendation of the minister of the interior). It is his duty: (1) to preside over the *Amts-raad* (the county council) and to act as the chief executive in all local administration; and (2) to represent the central government in the administration of general laws which are to be carried out by the county. He may or may not be a resident of the county in which he serves; vacancies are commonly filled by moving a governor from a less favorable location to a more desirable one. Each of the twenty-two governors is paid an annual salary of 12,000 kroner. If a governor is located in a town which is also the seat of an episcopal diocese (of which there are eight) he is called a diocesan governor (*Stiftamtmand*) and has certain ecclesiastical duties in collaboration with the bishop. In all such cases, however, his administrative duties as chief official of the Amt are identical with those of the other governors.

In each Amt there is a popularly elected council chosen by list system of proportional representation. There are 25 county councils, as three of the Amter are divided into two council districts. In these three cases the governor presides over each of the two councils in the Amt. As the county council meets regularly only four times a year, with special sessions sometimes called, it is easily possible for the governor in each of the three Amter with two councils each to preside over both. The county council consists of not less than 9 nor more than 15 members, always an odd number. Previous to 1933 the county council was indirectly elected for a six-year term by an electoral college chosen in each county by the several parish councils. Now its members are elected for a four-year term at the same time at which elections for members of the parish councils are held.

The county council, under the leadership of the governor and under the limitations imposed by the close supervision of the minister of the interior, prepares a budget, levies taxes, makes appropriations, and supervises a small group of paid administrative officials. The

members of the council themselves serve without pay. The county council has much to do with the administration of local police but recently this function has been placed more directly in charge of the central government. Another important administrative task of the Amt government is the control and supervision of matters relating to public health, including the operation of hospitals. A very large item in the county budget is that for public roads, as the building and maintenance of the main highways is put into the hands of the Amt officials. A part of the highway cost is met by the county's share of the automobile taxes. In much the same way that the central administration at Copenhagen checks and supervises the Amt this local agency in turn exercises wide supervision and control over the parishes. Certain decisions of the parish authorities such as the purchase or sale of real estate, the borrowing of money, and any unusual increase in the tax rate must be approved by the county authorities. In the matter of school administration each county council elects a school board—in some cases jointly with neighboring provincial towns—which has charge of the administration of funds expended in the interest of a county- or district-wide educational program, including the payment of teachers' pensions.

4. *The parish government.* The 22 Amter of Denmark contain about 1300 parishes, varying in area from the smallest, with only 90 acres, on one of the islands to the largest, nearly 90 square miles, located in a sparsely populated section of Jutland. The little 90-acre parish Hirtsholmene with a population of only a few score persons is the smallest both in area and population. At the other extreme we find Gentofte, a rapidly growing suburb of Copenhagen, technically a parish and yet having more inhabitants than most of the provincial towns.

The chief governmental agency of the parish is the parish council (*Sogneraadet*), chosen by popular vote for a four-year term by a system of proportional representa-

tion. The membership of each council is fixed at some odd number from 5 to 19. From its own membership the council selects a chairman (*Formand*), who becomes the chief parish official. The council also selects a parish treasurer—which office may, with the consent of the Amt council, be held by the chairman. In the larger parishes the treasurer is often selected from outside the council membership. The members of the parish council receive no pay for their services although the chairman and treasurer are usually remunerated. Most of the administrative work of the larger parishes, however, is done by paid officials and employees. The parish council meets regularly once a month. As indicated in connection with discussion of the county council, the parish council is under the close supervision of the former. Any licenses or permits issued by the parish council which are not clearly and explicitly authorized by law are valid only when approved by the county council. The county council also has the power to nullify any action taken by the parish council which in the opinion of the former goes beyond the latter's legal competency. As already pointed out, the approval of the county council is required before the parish council may buy or sell real estate, borrow money, or make an unusual increase in the tax rate.

In the field of taxation the parish is given the important task of assessing the value of property. As the valuation determined by the parish is used not only as a basis for parish taxes but for the Amt and the national taxes as well, provisions are made for equalization agencies as between the parishes in an Amt and as between the various Amter. The parish officials also collect the information as to the liability of its individual inhabitants to pay income taxes both local and national. It is also the duty of the parish to collect taxes for the national treasury, for which the parish receives a commission.

Originally charged with the administration of the poor laws the parish now has much to do with the administration of the various types of relief and social legislation

which have caused the virtual disappearance of the old-fashioned poor laws. The parish participates with the national government in paying the costs of various types of benefits which are extended on the theory that the aid given individuals by the government is a matter of right and not of charity. The subject of social insurance is of such importance that it will be discussed in some detail in a later chapter. The parish is also charged with the administration of public education, which is placed in the hands of a five-member school commission elected by the parish council. The local school officials perform this function with the aid of national grants and under the supervision of the minister of education.

The building and maintenance of local highways and crossroads are other functions of the parish. Keeping all public roads clear of snow is also a parish responsibility, but for this task each able-bodied man is required to work one day each winter or furnish a substitute. The Amt sometimes gives financial aid to the parish for the more important secondary highways and in the building of bridges. The parish also receives a share of the automobile taxes.

For elections, parliamentary as well as local, the parish officials prepare the official list of those entitled to vote and select the election officials who carry on the various elections. The parish also gathers data such as population and vital statistics for the national government—in fact it acts virtually as a local representative of the census-taking agencies of the central government. In the field of fire prevention and protection the parish also has important duties. Each parish is divided into fire districts by the county council. For each district a fire marshal is appointed by the governor of the county upon the recommendation of the parish council.

It is clear from this brief description that the parish not only takes care of matters of a purely local nature but that it also partakes in a large degree of the nature of an administrative agency for the central government.

This development is so marked that it has led some Danish commentators to say that the present status of local units in Denmark should not be discussed as *local government* but rather merely as *local administration*. Much of the work of the parish council is done through committees, usually selected for a year at a time. In the larger parishes there are large groups of paid civil servants.

5. *The provincial towns of Denmark.* The provincial towns, about 80 in number, resemble the municipal boroughs of England to the extent that they are outside the jurisdiction of the county council. These towns vary greatly in size from as low as 1000 inhabitants to as high as 80,000 or more (not including Frederiksberg, which is technically not a provincial town, although to all intents and purposes its government is virtually of that type). There is no limit to the size of a provincial town, and many towns which are governed as parts of a parish have populations far in excess of some of the provincial towns. In general each provincial town has much the same duties and responsibilities as has the parish and, in addition, many others, especially in the field of public enterprises.

In each town there is popularly elected by the method of proportional representation the town council (*Byraadet*) consisting of from 7 to 25 members (always an odd number) depending on the size of the town. The term is for four years and the members serve without pay. The town council by a majority vote selects one of its members as its chairman, who then by virtue of this choice becomes mayor (*Borgmester*). Previous to 1919 the mayor was appointed by the king (which means the cabinet) but now all mayors (except the chief executive of Copenhagen) are elected by the town council. It is true, however, that there are still a few towns in which royally appointed mayors are found, but these officials are not part of the municipal government. The council also selects a number of committees; these committees, chosen

in such a way as to provide for minority representation, play an important part in the work of the council.

The mayor is the head of the city government and upon him rests the responsibility of seeing that both national legislation applying to the community and ordinances of the council are properly enforced and administered. In a very few cases the mayor is assisted by an executive council (*Magistrat*) made up of a small group of members of the town council to whom certain areas of administration may be delegated.

The officials of the provincial towns are under the supervision of the minister of the interior. The minister prescribes uniform accounting systems for the local governments and keeps an eye on the municipal budget. A budget increase of more than 25 per cent is not valid unless approved by the minister. A law enacted in 1908 provides that when after such disapproval by the minister the town council refuses to make the proper changes in the budget an election shall be called to choose a new town council. In other words, the minister of the interior has the authority to dissolve the town council in a budget controversy. Interesting as are the possibilities of this procedure, it should be noted that during the forty years since the passage of the law there is on record no instance of the dissolution of a town council. A commission for the equalization of taxes, made up of from 5 to 15 members, is elected by the town council on a proportional representation basis. Heading this commission is a chief appointed by the minister of the interior.

The town council selects a school board of from 5 to 9 members, which under the supervision of the minister of education administers the local school system. The provincial towns have much to do also with the general field of social welfare. Formerly consisting chiefly of poor relief the modern Danish welfare program includes all items usually included, with the result that the city "poorhouse" has virtually been eliminated. Many cities own and operate hospitals—sometimes jointly with the

surrounding parishes. In many cities there have been subsidies and tax exemptions to help the poorer classes to build homes.

Municipal ownership is the general rule in Denmark. In the great majority of the cities there are publicly owned water, gas, and electric utilities. Some of these are operated jointly by cities lying near one another and in some cases jointly with suburban or outlying rural areas. Sometimes the city sells service to a nearby municipality, in which case the law requires that the rates be reasonable. Municipal heating plants are found in some towns. It is common practice to use the heat generated in the various public enterprises for heating schools and other public buildings.

There are in Denmark a few municipalities not easy to classify. One of these already mentioned is Frederiksberg, which in its governmental structure (as it does also geographically) lies somewhere between the provincial towns and Copenhagen—the latter with a government, presently to be described, differing somewhat from other Danish cities. Of another sort difficult to classify are the five semiurban areas (*Flækker*) in southern Jutland, whose local governments are organized much after the style of those of the provincial towns.

6. *The government of Copenhagen.* Copenhagen, the capital and by far the largest city of the kingdom, is indeed an important part of Denmark, and its form of government is naturally of interest not only to Danish citizens but to students of government generally.

The chief officer of the Copenhagen city government is the *Overpræsident* (loosely translated "lord-president") appointed by the king (actually the cabinet) at a salary of 12,000 kroner. In this respect the capital city is like the Amt, each having a centrally appointed chief executive. The legislative organ of the city is made up of two parts: (1) the *Borgerrepræsentation* (loosely translated "municipal council"), made up of 55 members popularly

elected for a four-year term by the list system of proportional representation and presided over by the *Overborgmester* (loosely translated "chief mayor"), and (2) the Magistrat (loosely translated "Executive Council") made up of five Borgmestere (mayors) and five *Raadmænd* (councilors) chosen by the Municipal Council through proportional representation for eight-year terms. The chief mayor is also a member of the executive council. The members of the Executive Council, as will presently appear, have both legislative and executive functions and are salaried officials. The members of the Municipal Council also are paid an annual salary, differing in this way from the members of the other local councils in the county, the parish, and the province, who receive no pay.

In order to be validly enacted an ordinance must pass not only the Municipal Council but the Executive Council as well. This means that Copenhagen virtually has a two-chamber council. A measure may originate in either chamber. Members of the Executive Council may attend meetings of the Municipal Council and participate in the debate. In case the Executive Council refuses to approve a measure passed by the Municipal Council it is returned to the latter with reasons for such action. If after a second passage by the Municipal Council the Executive Council still refuses to approve, it is possible for the Municipal Council to appeal to the minister of the interior, whose approval will validate the measure without the consent of the Executive Council. On the other hand, no measure may under any conditions be validly enacted without the approval of the Municipal Council. Hence the influence of the popularly elected chamber is greater than that of the indirectly chosen one. Of course it should be borne in mind that the possibilities of a schism between the two chambers should not be great as 10 out of the 11 members of the Magistrat are chosen by the Municipal Council, with the result that the political complexion of each body should be the same. In 1946 the Social Democrats had 30 of the 55 seats in the Copen-

hagen Municipal Council. The lord-president has the power of suspensive veto not only on ordinances but on certain administrative action. This veto holds only if upheld on appeal to the minister of the interior.

The members of the Executive Council also have important administrative duties. The chief mayor and each of the five mayors is in direct charge of one of the six sections into which the city administration is divided. With each mayor in his section is also associated one of the five councilors. The various municipal activities, distributed among these sections somewhat arbitrarily, are: (1) Education, (2) Regulation of Industry, (3) Legacies and Foundations, (4) Finance, (5) Hospitals, (6) Social Welfare, (7) Highways, (8) Public Health, and (9) Publicly Owned Utilities—gas, electric power, water and heating plants, and the street railways are operated by the city. A volume might be written on the interesting features of the municipal government of the Danish capital. For the purposes of this volume, however, the very brief outline here given must suffice.

In connection with all Danish local government—from Copenhagen to the smallest parish—there are, it must be remembered, the close and constant contacts with the various central ministries. While it is with the minister of the interior that the municipalities have the closest contacts, there are other ministries also that have controls over local administration, such as social affairs and education. It should be borne in mind that all police administration is now directly in charge of the central administration.

The influence of national politics is clearly seen in the elections to the various local councils. National party lines are commonly followed in making up the lists for city, county, and parish elections, although joint lists in which two or more parties unite for a particular election are not infrequent. The political complexion of the provincial towns will be indicated by the following figures. Of the mayors in office in 1946 in the approximately 80

provincial towns, 44 were Social Democrats, 17 were Conservatives, 6 were Liberals and 4 were Radical Lefts. The remainder were scattered among various minor parties; in three cases the mayors were without party affiliation. The mayor of the provincial town is selected by the popularly elected town council.

Although Danish women display interest in public questions and cast their ballots regularly, there has not developed in Denmark any wide selection of women to elective offices. This applies to local as well as national offices.

7. *The development of local self-government in Norway.* Like the Danish municipalities the Norwegian local governmental units have been given the power of local self-government only within comparatively recent times. Up to one hundred years ago there were no legally established, popularly elected local councils with power to deal with local affairs. In 1837 two epoch-making statutes in the field of Norwegian local government were enacted, one relating to rural and the other to urban municipalities. Both placed the power of local government—including the local finances—in the hands of councils chosen directly or indirectly by the people. The statutes of 1837 were in a sense a culmination of a long development in Norwegian local government which through several centuries had made but slow progress. Almost from time immemorial it had been the custom of the residents of the cities and of rural districts as well to hold mass meetings to discuss community problems. Such meetings, usually called on the initiative of the citizens but occasionally at the request of the government, had, of course, no official power but nevertheless exercised at times unofficial influence. By the time of the beginning of the long period of absolutism in Denmark (1660-1849), under whose rule Norway found itself, the custom had slowly grown up in the cities of having a representative committee of citizens take the place of the general mass meeting. In 1687 this custom

was recognized by a statute which provided that each year a number of "best citizens" should be selected to be present at meetings of the city authorities (all royally appointed) when financial matters were being decided. This committee of citizens representing the general citizenry, which came to be known as "deputized citizens," was further recognized in 1797 by a rescript which provided in some detail for filling vacancies which might occur among the "deputized citizens." With no legal authority at first, these citizens slowly began to participate in municipal affairs. In the rural communities, however, there was no such participation, although the law of 1687 did provide for calling in the "best parishioners" for consultation in regard to repairs of church buildings, and local citizens were appointed to serve on poor relief and on school commissions.

The new legislation of 1837, establishing representative local self-government in both rural and urban Norway, remained the basis for all municipal government up to 1922, at which time the legislation under which the municipalities now are organized was enacted. Between 1837 and 1922 there were no significant changes in municipal structure and functions. There were, however, important changes in the qualifications for municipal suffrage. In 1901 universal male and limited woman suffrage was introduced in local elections; eighteen years later the right to vote in local elections was given to all citizens of both sexes who met the requirements for parliamentary suffrage and who had resided in the municipality for the two years preceding the election. In 1919 the system of proportional representation, which had been permissive since 1896, was made compulsory in all local elections.

8. *Local government areas in Norway.* Rural Norway is divided into eighteen *fylker* (singular, *fylke*—loosely translated "county"). Up to 1919 the word "amt" was used to designate the Norwegian county but in that year

the word "fylke," which had been in use centuries before, was revived by statute. Each fylke is made up of *herreder* (singular, *herred*—loosely translated "rural district" or "township"), 679 in number in 1948. These two, the fylke and the herred, constitute the regular hierarchy of local government outside the cities and towns. Allusion might be made, however, to the ecclesiastical parish (the *sogn*) which in many cases coincides geographically with the herred. As there are more parishes than there are herreder, the herred is made up of one or more parishes, and although the parish, in cases where more than one parish is included in a herred, may occasionally be given certain authority in matters of poor relief and of education, its nonecclesiastical functions are usually so unimportant that it is proper to look upon the herred as the smallest subdivision for purposes of local self-government.

Urban government areas are of two classes, first the two city fylker, Oslo and Bergen and the provincial towns (*kjöpstäder*), 44 in number; and second, the *ladesteder* (literally "loading places" but loosely translated "small seaports"), 20 in number. None of these urban areas is under the jurisdiction of the fylke, although for purposes of parliamentary elections, and for these purposes only, the *ladesteder* are parts of the fylke in which they are located.

9. *The government of the fylke.* At the head of the fylke is the *fylkesmann* (liberally translated as the "governor"), who is appointed by the king (which means the cabinet) upon the recommendation of the minister of justice and police, under whose ministry there are placed large responsibilities in regard to all local government, both rural and urban. An appointment to the position of governor is virtually permanent and is greatly prized. In many instances men go from lower judgeships to the governor's office. Nearly all of the present governors have had juristic training, although this is not a legal prerequi-

site. A number of years ago the governor of one fylke was a former prime minister; and it is not unusual to find as governors men who have previously held seats in the cabinet. The salary varies from 12,600 to 13,500 kroner and in almost every fylke an official residence is also furnished. The governor has the dual function, first, of representing the central government as the administrator of national laws, where the fylke is virtually an administrative district, and, second, of acting as the director and executive of local affairs, including the chairmanship of the executive committee (*fylkesutvalget*) of the county council (*fylkesting*). He participates in the meetings of the council but has no vote.

The chairman (*Ordföreren*) of the herred council (*herredstyret*), which is discussed below, represents the herred in the county council. That is, the county council is made up entirely of the chairmen of the various herred councils. The county council selects its own chairman and committees. The governor cannot be chosen chairman of the council. The council has only one regular meeting each year. Special sessions may be called by the king—really through the governor—or by the executive committee. The council itself may provide for a special session.

In addition to the governor and the county council each fylke has a third important agency, namely, the executive committee of the council. This committee consists of the governor as chairman and four members, who may or may not be members of the council, chosen by the council for overlapping four-year terms. Members of the executive committee who are not members of the council may participate in council meetings but have no vote. Members of the council and of the executive committee receive traveling expenses and in some instances remuneration for time spent. The executive committee meets when called by the governor or at the request of two other members. The chief duties of the executive committee relate to matters of taxation including equalization of taxes. It acts as a sort of standing committee of the

council to take action on certain matters in the long periods between the infrequent meetings of the fylke law-making body. The council itself passes the budget which is presented by the governor, who makes to the council a detailed financial report on the past year. Ordinary questions are settled in the county council by a majority vote, but certain matters, such as new and increased appropriations, new enterprises, the purchase and sale of property, and the making of loans, require a two-thirds vote, but a lesser number may petition the king (in reality the ministry) who may approve or reject the proposed measure. Appropriations for more than five years also require royal assent. The council is divided into several committees and has salaried public servants, including two auditors, who inspect the accounts of the fylke. The more important functions of the fylke are in the fields of public highways and education. As will be noted later, the governor has supervisory authority over the officials of the herred.

In one sense there are twenty fylker instead of eighteen, as Oslo and Bergen are also sometimes listed under that head. Neither of these cities has a governor of its own, but in each case the governor of the neighboring fylke is also listed as the governor for the city fylke. The governor has little if any significance in these two cities except that in taxation matters he co-operates with the city officials. The chief official of the two cities is not the governor but in each case the mayor. From the standpoint of the parliamentary elections both Oslo and Bergen are counted as an election area in the same way as are the rural fylker. The constitution itself provides the number of members of the Storting to be elected from each fylke and from each of the groups into which the provincial towns are divided. Each municipality, no matter how small, must under the constitution have at least one polling district.

10. *The government of the herred.* It is not easy to find just the right English word with which to translate

the word "herred." The word "parish" is hardly acceptable, as the word "sogn" (Norwegian for "parish") is used exclusively to denote the ecclesiastical parishes, which to be sure are in a few instances, as above noted, given nonecclesiastical duties. The word "rural district" is better, although a large number of herreder include villages and suburban areas. The typical herred is a rural area with a population between 1000 and 3000. There are almost 700 herreder altogether (679 in 1948), varying in population from those below 500 (of which there are perhaps five or six) to Aker herred, a suburb of Oslo, with a population (1946) larger than that of Bergen, Norway's second city.² Some of the provincial towns and nearly all the *ladesteder* have fewer inhabitants than most of the herreder. From the standpoint of municipal governmental structure the distinction between urban and rural areas is not particularly important, as the basic organization of the herred government and of the town government is very much alike. When it comes to governmental functions there are, of course, many more activities in the urban than in the rural units.

The herred government consists of: (1) the *ordfører* (literally, "the Chairman"), (2) the *herredsstyret* (the district council), and (3) the *formannskapet* (literally a board of chairmen, a survival of the days when this was a correct description of the agency, but loosely translated "executive committee of the district council"). It is also legal for the herred to select a *borgermester* but this is seldom done, the *ordfører* regularly acting as the official head of the district. The chairman is chosen by the council and is always a member of the executive committee and usually presides over the committee as well. He is the legal and official leader of the herred and is its chief executive. No money can be paid out without his order. As indicated above, he represents the herred in the council of the *fylke*.

² Aker in 1948 became a part of the city of Oslo.

The district council is popularly elected by the list system of proportional representation for a three-year term. The size is fixed by the council of the fylke and varies from 12 to 48, except that in herreder having more than 25,000 inhabitants the number may be as high as 60. Under a law passed in 1932 over vigorous protests of the Labor party all persons receiving poor relief were disqualified from serving on the district council. The council selects one fourth of its membership to act as formannskapet (the executive committee).³ Both the council and the executive committee meet upon the call of the chairman or of the governor or upon the request of the executive committee. The respective functions of the district council and of the executive committee might be briefly stated as follows: the council exercises the legislative power including taxation and appropriation while the executive committee is the chief administrative agency of the herred. The executive committee in the herred, however, does not assume as important a role as the similar agency does in the towns. In the rural units it is somewhat overshadowed by the district council and the chairman. It must be borne in mind that the central administration in the capital and the governor of the fylke have wide supervision and control over the herred government as they do over all local governments. On many subjects an ordinance passed by the district council is valid only after royal assent (which means, of course, the approval of the cabinet) such as to borrow money for long terms or to buy or sell property. The governor has a suspensive veto on many types of ordinances and has wide supervisory powers over the administrative activities of the herred. The history of the Norwegian herred has been marked first of all by a gradual development from a mere administrative area to a unit with real powers of

³ Except in cases where the herred is made up of more than one parish. In such cases the members of the executive committee are chosen directly from each parish, as, of course, are also the members of the district council.

local self-government—a development which took more than a century. Coupled with these changes there have been especially in recent years an increasing number of limitations upon the powers of the herred, until today it is as much an administrative agency of the national government as it is a unit for home rule on local affairs.

The herred council works through many committees and through paid civil servants. Neither the members of the council nor its executive committee receives pay as such, but may be paid when serving in a special administrative capacity.

11. The government of Norwegian cities and towns. Allusion has already been made to the many similarities in structure between the herred and the town. Chief among the differences are: (1) the office of the borgermester in addition to that of the ordfører; (2) the greater power of the executive committee; (3) the more complicated set of administrative agencies, owing to the greater variety of municipal functions which a more congested area usually entails; and (4) the lack of supervision by the governor, which, however, is replaced by controls exerted directly from the national cabinet. The general outlines of city government are essentially the same for the smallest of the *ladesteder* as for the largest cities. The agencies are (1) mayor, (2) the chairman of the council (ordfører), (3) the council (bystyret), and (4) the executive committee of the council (for which the same term is used as that denoting a similar agency in the herred—*formannskapet*). The council elects the mayor and fixes his salary. Neither the members of the council nor of the executive committee is paid for services as such. The mayor is the chief executive of the municipality and no money may be paid out of the public treasury except by his order. He supervises the financial administration of the city and plays a large part in the preparation of the budget. He may participate in the proceedings of both the council and the executive com-

mittee but has no vote. The chairman of the council is also chosen by the council and acts as the presiding officer for both the council and the executive committee.

The town council is popularly elected for a four-year term by the list system of proportional representation. Its membership varies in number from 20 to 84, depending on the population of the town. The council chooses one fourth of its membership to act as the executive committee. The council exercises general legislative power, including the control over finances. The executive committee is the central municipal agency for the supervision of the local administration and has the residual municipal powers not exercised by the council or expressly given to any other administrative agency. In spite of the greater predominance of the executive committee in the towns as compared with the rural districts the town council remains the real legislating and appropriating agency. There are many limitations on the free exercise of municipal powers. In many cases royal assent (cabinet approval) must be given before action by the local authorities is valid, as for example in borrowing money for long periods, in buying and selling property, and in embarking on new enterprises. As is true of the herred, the towns are given wide local powers but at the same time are subjected to close supervision and control by the central government.

The functions of the Norwegian towns include: (1) poor relief or rather its modern substitute, social welfare work; (2) education; (3) street maintenance; (4) health and hospitals; and (5) the operation of all kinds of publicly owned utilities. The larger cities especially have well organized administrative machines to carry on these complicated functions, and employ large numbers of efficient, paid civil servants. The local administration is supervised and assisted by various ministries, particularly that of justice and police.

The municipal government of Oslo has the same pattern as other cities except that the mayor is assisted by a board of councilors (*raadmenn*) of six members. The

Oslo Council has 84 members with 21 on the Executive Committee. The Oslo government is regarded as having the most effective administration of social insurance of any Norwegian municipality.

12. Public ownership in Norway. Public ownership of water, gas, and electric utilities is well-nigh universal, not only in the cities but also in the rural districts of Norway. Frequently a utility is owned jointly by two or more adjoining municipalities. The utilization of the tremendous potentialities of the thousands of Norwegian waterfalls has motivated the widespread development of hydro-electric plants by the various municipal bodies, both rural and urban. An interesting development in the field of municipal ownership and operation has been in connection with cinema theaters. Municipally owned moving picture theaters are in operation in all of the towns and in some of the more populous herreder. Of the 320 cinema theaters operating in Norway in 1939, 116 were municipally owned and 204 were under private ownership and management.

13. Municipal bankruptcy in Norway. As was true of municipalities in many parts of the world, including the United States, during the depression, Norwegian local governments in many instances found themselves unable to meet their payments on the municipal debt. Large numbers of Norwegian municipalities had gone deeply in debt for the building of electric power systems, and when the depression made it difficult to operate these profitably the municipalities affected were virtually bankrupt. In 1933 the Storting passed a law providing that such municipalities might, under certain circumstances, and with the consent of the minister of justice go into voluntary bankruptcy. Municipalities were also prohibited from mortgaging any properties without the consent of the same minister. The law also provided for the establishment of a special emergency administration for mu-

nicipalities whose financial affairs were in such condition that the protection of its creditors made such action necessary. This meant that the regular municipal officials were shorn of much of their power and that the local government of the unit was put into the hands of the central government. This brought forth strenuous objection from those who were believers in a large degree of local autonomy. In fact it was charged that the authorization of the special emergency administrative agency, which virtually put the affected municipality under receivership, resulted in the exercise of dictatorial powers over such communities by the minister of justice.

14. The development of local self-government in Sweden. Although the present local political institutions of Sweden are in form at least of comparatively recent origin the general principle of local self-government has existed from time immemorial. At the very beginning of Swedish history there were local assemblies of citizens which took action on matters of interest to the community. The *härads*, the forerunner of the present judicial district of the same name, goes back to the earliest times.

Very important among the early local units was *socken* (the parish). In fact, the history of rural local government and to a lesser degree of city government, up to about a century ago, is the story of the development of the parish. Following the introduction of Christianity into Sweden, which took place about a thousand years ago, the parish gradually developed into an important local ecclesiastical area. By the middle of the sixteenth century the parish assembly or congregation had begun to exercise certain powers. It was not until the early part of the eighteenth century, however, that the general assembly of parishioners was officially given broader powers. Not only did the parish deal with strictly ecclesiastical matters but also with poor relief, local public health problems, and schools. The powers of the *härads* were gradually limited and this unit became essentially a

judicial district and the parish became the important local unit outside the towns. In the early history of urban government the parish also played a part, but the guilds and other organizations soon began to overshadow it. At the beginning of the seventeenth century the towns already had a large amount of local nonecclesiastical government under the leadership of the mayor and his councilors assisted by the "elder citizens."

With the adoption of the present constitution of 1809 there came added interest in and demand for local government changes. The year 1817 saw the enactment of the first general local government law. This legislation provided for the separation of church affairs from other matters in the localities. The church council (*kyrkorådet*) was put in charge of ecclesiastical affairs and the general assembly of taxpaying citizens was given control over other local matters. In 1843 another important statute provided for the parish committee (*sockennämnden*) to act as an administrative agency for nonchurch local affairs. Two decades later came the epochmaking law of 1862, which not only reorganized the parish government⁴ but also gave the modern *län* (county or province which had been in existence since 1634) its first elected council. Furthermore the legislation of 1862 made important changes in the town government, to which brief allusion will be made later. Under the new law the assembly of citizens (now designated *kommunalstämman*, which term is still in use) continued as the chief lawmaking agency of the parish, but there was established an elective group of delegates, or deputies, which was to act as the local administrative agency and which replaced the *sockennämnd*. The law of 1862, modified in some respects by the important local government statute of 1930, is still the general basis for local government. In 1924

⁴ From this point the term "parish" will be used to designate the nonecclesiastical local unit. The ecclesiastical parish, of course, continues to function to this day as the local unit on church affairs.

minor changes were made in relation to the county (län) governments.

Accompanying the growth of local government activities has been the widening of the municipal suffrage. Previous to 1862 this suffrage was greatly limited and even under the legislation of that year the restrictions were such that the local power was largely in the hands of the propertied classes. In 1909 these restrictions were partially removed and in 1918 universal adult municipal suffrage was established. Every person of both sexes entitled to vote in the parliamentary elections (citizens over 21 years of age) is allowed to vote in municipal elections.

15. *The local subdivisions of Sweden.* The kingdom of Sweden, with the exception of Stockholm, is divided into 24 län.⁵ These län are divided into: (1) parishes (*landskommuner*), of which there were, in 1946, 2323 in the entire kingdom; (2) small towns (*köpingar*)—64 in number; and (3) cities (*städer*)—124⁶ (in 1946) in number. The kingdom is also divided (1946) into 2552 ecclesiastical parishes both rural and urban. In each of these the parishioners and their representatives exercise wide powers of self-government in regard to church matters. The ecclesiastical parish is also the regularly constituted local school district. This does not mean, however, that the schools are necessarily under the control of the officials of the ecclesiastical parish. Increasingly the local Swedish schools are being controlled and supervised by nonecclesiastical officials. Another important local unit is the *härad*, whose only function, as already indicated, is to serve as a judicial district.

Over all of these local units the central government exercises much supervision and control. A number of the central departments are in contact with the local units, but

⁵ The term län has the same form for both singular and plural.

⁶ This does not include Stockholm, which, in a sense, makes up a separate län.

it is the Department of the Interior especially which acts as the supervision agency over local affairs, including police administration.

16. *The government of the län (county)*. Although the county council (*landsting*) was not established until 1862, the historic län have, since the earliest periods, been of significance. Originally the län represented areas dominated respectively by the various clans or families, in which more than a thousand years ago there were already local assemblies or *tings*, which sometimes were in conflict with the national Riksdag over questions of sovereignty. With the unification of the kingdom and the ascendance of the central Riksdag the local *tings* gradually disappeared and for several centuries the län were of no political significance. The legislation enacted in 1862 (supplemented by the statute of 1924), however, made the län a more important governmental subdivision, equipped it with legislative and administrative machinery and gave it certain regional duties and responsibilities, including the supervision of the parish and city governments within its jurisdiction. The historic län now called *landskap* (provinces)—28 in number—still exist but are merely historic and geographic areas of no political significance.

The head of the län government is the governor (the *landshövding*) appointed by the central government. The governor, like the similar official in Denmark and in Norway, has the dual responsibility (1) of representing the crown in the län and to see that national laws are properly administered in the region, and (2) of acting as the chief executive of a local self-governing unit. Directly under the governor in each län are two officials: (1) the chief county clerk (*landssekreteraren*), in charge of public health, poor relief, policing, and the conduct of elections; and (2) the chief county accountant (*landskamreren*) in charge of the county financial administration. In each län there is also a bailiff (*landsfogden*), who under the direction of the governor has charge of the police of the

country. For the purposes of policy administration and other general administrative problems the bailiwick (the *fögderi*), of which there are 119 in the entire country, is the unit below the county. Each *fögderi* in turn is divided into local police districts (*landsfiskaler*)—406 in number.

Under the direct control and supervision of the governor are the county administrative officials (called *länstyrelsen*) and responsible through the governor to the Department of the Interior in Stockholm. These officials, appointed, like the governor, by the crown, in addition to other duties, act also as an administrative court.

The legislative agency of the *län* is the landsting (the county council). One *län*, Kalmar, is divided into two landsting districts but otherwise each *län* has one landsting with a membership varying with the population of the *län* but never less than twenty. The members of the landsting are popularly elected for a four-year term by the method of proportional representation. As previously stated the voting age for the landsting elections is 21 years and over.

The landsting holds one regular meeting each year in September, but special sessions may be called either by the king (through the governor) or by a three-fourths vote of the landsting itself. At a special session only items included in the call for such session may be dealt with. The landsting selects its own chairman for a one-year term. Two thirds of the membership must be present to constitute a quorum. An important agency in every *län* is the administrative committee (the *förvaltningsutskott*) of the landsting chosen by it from within or outside its own membership. This committee is the administrative agent of the landsting and co-operates with the governor and his staff. The landsting exercises lawmaking and budgetmaking powers.

Measures may be proposed in the landsting not only by its members but also by the governor either upon his own initiative or at the request of the crown (meaning the cabinet). Certain county legislation such as selling

or mortgaging of county property, long period borrowings, and so on, are valid only when approved by the central government. In some cases the governor's approval is necessary. Like all local ordinances in Sweden the enactments of the landsting may be challenged as to their validity by any injured party and upon such challenge the ordinance is carefully scrutinized by the higher administrative authorities, who pass upon the legality of the ordinance. Sometimes such cases reach the Supreme Administrative Court, the highest administrative tribunal, for final decision.

The län, in general, has jurisdiction of those local matters which are of common interest to the whole community such as public health, poor relief, hospitals, communications, schools, and policing. Under many of these heads the details are handled by subdivisions below the län—which means that the latter is in reality a co-ordinating and supervising agency.

An important and significant duty of the landsting is to act as an electoral college for the selection of the representatives from the län in the upper house of the Riksdag. Hence those large cities which have representatives of their own in the electoral college do not participate in the elections to the landsting.

17. Rural local government in Sweden—the parish. The foundation of rural local government in Sweden is made up of the 2323 parishes (landskommuner) into which the country, except for the cities and towns, is divided. The parish is given wide responsibility over the local administration of poor relief, public health, child welfare, alcoholic liquors, old age pensions, unemployment, local policing, and, in an increasing number of parishes, the maintenance and control of schools. The parish has taxing powers and through its properly constituted authorities it makes a budget, levies taxes and appropriates money, and superintends all elections. In its

work, the parish is subject to wide supervision and control by the län and the central government.

Three of the governmental agencies of the parish deserve some comment: (1) the kommunalstämma (the voters assembly or "town meeting"), (2) the kommunalfullmäktige (the parish council), and (3) kommunalnämnden (the parish executive committee).

Every parish of more than 700 inhabitants must have a parish council. Smaller parishes may establish councils but are not required to do so. Where there is no parish council the voters assembly meets regularly three times annually. When there is a parish council the voters assembly holds no regular sessions. In all parishes special sessions of the voters assembly may be called by the governor of the län, by the parish executive committee, or by the chairman of the assembly, who is chosen by it for a four-year term. In 1947 the Riksdag enacted legislation looking toward the gradual merger of smaller parishes and providing that each parish must have at least 2000 inhabitants. When this change becomes effective, the voters assembly will be entirely obsolete.

The members of the parish council are popularly elected for four-year terms by the method of proportional representation. These elections together with the elections for the various city councils were held all over the country in the fall of 1946—which will bring the next nationwide local elections in 1950. The size of the parish council varies from 15 in the smaller parishes to 40 in the larger ones. The council meets regularly three times annually and may also be called into special session. It chooses its own chairman for a one-year term. Admitted to meetings of the parish council and eligible to participate in debate but without a vote are the chairman and vice chairman of the voters assembly and of the parish executive committee respectively.

The parish council and the parish voters assembly are hedged in by a number of restrictions. Many measures are valid only when approved by the central government

and others must be approved by the governor of the län. Any injured person may challenge the validity of any action of the parish officials, which challenge is heard by higher authorities, sometimes by the Supreme Administrative Court.

The parish council or the voters assembly may name a number of committees but the only one required by law is the parish executive committee, which constitutes the chief executive and administrative agency of the parish. This committee is made up of from 5 to 11 members (the exact number to be determined within these limits by each parish) elected for a four-year term. The parish executive committee is responsible for the public properties of the parish and has supervision over any other administrative committees selected by the parish authorities. In most parishes there are a number of these committees, such as for schools, child welfare, fire protection, and so on. If no special administrative committee exists in a given field the executive committee has direct charge. It is also in charge of the preparation of the parish budget.

18. *Densely populated areas in the rural Swedish parishes.* Oftentimes the parish contains an area with such density of population that it takes on some of the characteristics of a village, with some of the accompanying problems. Nevertheless it is frequently the case that such an area is not large enough to justify the establishment of a separate village or town. Such a community is neither open country nor a city nor a village but a sort of hybrid. Recognizing the peculiar problems involved in such a situation the Swedish municipal law permits the establishment, with the approval of the governor of the län, of a special municipal district with a special voters assembly, special council, and so forth. Such an area remains a part of the rural parish, but for purposes of handling special problems that arise in the area because of urban characteristics, the special agencies are authorized to deal with problems of the area which are not of a parish-wide

character. By this device the problem of local government in those areas which are neither fish nor fowl on the basis of urban and rural classification are put in a special class under the name *municipalsamhällen* (loosely translated "urban community"). There are about 235 such specially treated communities in Sweden. It should be borne in mind, of course, that in no case does such a community constitute a separate parish but is merely a specially handled part of a rural parish.

19. *Urban local government in Sweden—the small town or village.* Lying between the special district just described on the one hand and the cities on the other we find a group of about 64 köpingar (loosely translated "small towns"). The general organization of the government and functions of the köpingar are set up in precisely the same way as are those of the rural parishes, except that the former are compelled to include in their functions certain urban duties such as city planning, housing, and so forth. Some of the köpingar were formerly in the hybrid group described in the last paragraphs. Others have been set up directly by separating an area of dense population from the rest of the parish. The köpingar are set up by royal order (meaning the central administration). Confusing to the reader of Swedish literature on municipal government is the popular application of the term köpingar to certain communities which in reality are dense areas in a rural parish. Technically, however, the köpingar are always separate urban parishes.

20. *Urban local government—the cities.* The term städ (literally "city") is applied to the 125 municipalities (including Stockholm) which in general include the important urban areas of Sweden. While these municipalities are legally classified as städer it is nevertheless true that most of the fundamental legal provisions peculiar to rural local government apply also to the städer. There

are, however, a few provisions applying only to cities and these will be included in the brief discussion below. As already pointed out, all of the cities except Stockholm are under the jurisdiction of the län government. The cities vary in size from Stockholm with about 700,000 inhabitants to the half dozen very small cities with only about 1000 each. Besides the capital city, Gothenburg and Malmö are the only cities of more than 100,000, and sixteen other cities have a population between 25,000 and 100,000. Ten cities, however, have fewer than 2000 inhabitants and about one fourth of all the cities have fewer than 5000. This means that many of the städer have less population than some of the köpingar and some of the municipalsamhällen. While the typical köping has a population of about 2000, several are larger. The largest of the köpingar, Sollentuna, has about 15,000 inhabitants, which is higher than the population of two thirds of the städer. Of the municipalsamhällen the most common size is around 1000 in population with more than thirty of these urban communities with fewer than 500. Several, however, have a population of more than 5000. The largest, Kiruna, in the iron-mining region above the arctic circle, had 10,285 inhabitants in 1945. It is obvious from these comparisons that population alone does not form the basis for the classification of urban local governmental units in Sweden.

The cities perform local functions similar to those assigned to the rural parishes, and many others, in addition. Furthermore, many of the functions require much more attention and present greater administrative problems in the city than in the country, as for example in the fields of public health, housing, and the maintenance of law and order. The city must maintain its streets; in the rural parishes special road districts now have the responsibility for the public roads. Municipal ownership is very general in Sweden and the cities especially engage in a wide variety of enterprises. Not only are there municipally owned water, gas, and electric plants and street railways,

but also the city often owns and operates slaughterhouses, market places, and in some cases laundries. The great amount of water power available has given great impetus to the electrification of both urban and rural Sweden.

As the Stockholm city government has certain features which distinguish it from that of other Swedish cities, the government of the capital city will be briefly described later. The following paragraphs will deal with the governments of cities *exclusive* of Stockholm.

The important governmental agencies of the Swedish city are: (1) the *allmän rådstuga* (the town meeting); (2) the *stadsfullmäktige* (city council); (3) the *borgmästare* (burgomaster); (4) the *magistrat* (the borough court, made up of the burgomaster and two or more *rådsmän*—loosely translated “judges”); and (5) *drätselkammaren* (loosely translated “the board of finance”).

The town meeting is made up of all citizens possessing the municipal suffrage. Such a meeting is held only on special call and is presided over by the mayor. With every city possessing a council the town meeting has come to have little significance in modern Swedish urban government.

The city council varies in size on the basis of population from 15 to 60 members. Cities with fewer than 1500 inhabitants need not have a council, but at present every city below that figure has established such a legislative agency. The members of the city council are popularly elected every fourth year by the method of proportional representation. Elections are held all over the kingdom at the same time, the most recent having taken place in the fall of 1946. The council selects a chairman and vice chairman for a one-year term. Meetings of the council are usually held once each month except during the summer season. At the June meeting a report is issued on the finances and other administrative matters, and at the December meeting the annual budget is adopted. The mayor or some other representative of the city has the right to attend meetings of the council

and to participate in debates but with no vote. The rules of procedure are much the same as those for the parish council. Most of the important measures are passed only by a two-thirds vote. Certain measures are valid only if approved by the central government, and in the city as in the parish an injured party may challenge the validity of any action of the council, which challenge is heard by higher authorities and may even be appealed to the Supreme Administrative Court at Stockholm.

The burgomaster is appointed by the central government from among three names selected by popular proportional vote. As the burgomaster acts as the presiding judge in the borough court he must have juristic training. He is selected for an indefinite term. As the magistrat has duties other than those of a judicial body the burgomaster also has other duties. These will be indicated in connection with the brief discussion of the nonjudicial duties of the magistrat.

The associate judges (*rådmän*) are chosen by the city council from among persons with juristic training. In the smaller cities, however, the *rådmän* are not always trained in the law, although the nonjuristic *rådmän* are rapidly disappearing. The judicial functions of the magistrat have been described in the preceding chapter dealing with judicial administration. The magistrat is also usually given responsibility for public administration. In many cities the burgomaster or one of the *rådmän* acts as chief of police. The collection of taxes due to the national government is also regularly vested in the magistrat. In all cities under the jurisdiction of the *län*, and that includes nearly all cities, the *län* government has wide powers of supervision over municipal affairs.

In each city there are likely to be found a number of administrative agencies such as a fire board, school board, poor relief board, and so forth. The number and variety of these agencies depend, of course, on the size of the city. Every city, however, is required by law to have a board of finance, the members of which are chosen by the council.

This board is in most cities the chief executive and administrative agency. It is responsible for the city's financial administration including the collection of local taxes, and acts in supervisory capacity over the whole city administration. The importance of the board of finance, however, varies somewhat in different parts of the country. This is due to the fact that many of the details as to its powers and functions are determined for the cities of län by the län government. The board of finance holds the same general position in the city as does the executive committee in the parish.

21. *The government of Stockholm.* While the general outlines of the government of the capital city are much like those of other Swedish cities there are a few variations. The most notable difference is the presence of the *överståthållare* (loosely governor general) appointed by the central government. The governor general is the ceremonial head of the city and in addition has broad supervisory powers in the field of taxation and police administration. He also possesses the power of veto over certain measures passed by the City Council, and participates in its meetings, but without a vote. The governor general receives a salary of 22,000 kroner and like the län governors is furnished a free residence.

The Magistrat of Stockholm, made up of the burgo-master and 20 rådmän, functions almost entirely as a judicial body. The City Council is made up of 100 members popularly chosen by proportional representation like those of other cities. Recent legislation provides that the Stockholm elections shall come at approximately the time of the other local elections. The procedure and powers and time of meeting of the council are the same as those of the other cities. Important actions of the council must be approved by the central government, and as in the other local governments any injured party may challenge the validity of any municipal ordinance or administrative action. The council each year selects a chairman (*ord-*

förande), who is always an important figure in the city government.

The chief executive and administrative agency of Stockholm is *Stadskollegiet* (the *City Board*). The board is made up of 9 members chosen for a one-year term by the City Council entirely from its own membership. Sitting with the City Board but without a vote are: (1) the chairman of the City Council; and (2) 8 aldermen (*borgerråd*), chosen by the City Council from within or outside its own membership. The 8 officials are the chairmen respectively of the various boards and commissions working under the City Board. Under the direction and supervision of the board is found a complicated and comprehensive setup of administrative agencies including a board of finance and a poor relief board, both required by law, and a long list of other boards, commissions, and offices dealing with public works, public health, social insurance, child welfare, schools, municipally owned utilities, streets, harbors, and many other activities. All of these contribute to give Stockholm the same high grade of municipal administration found not only in the other Scandinavian capitals but in most Scandinavian cities as well. A study of the membership of the city councils of Sweden indicates that national party lines are regularly followed in the municipal elections.

22. *Swedish municipal functions in general.* All Swedish municipalities (the term is used in this discussion to include rural as well as urban local government units) are given the power to levy taxes. The two types of taxes used for local purposes are the property tax and the income tax. All local communities are charged with the task of preparing the annual registry of all persons residing within the given area. Each parish and each city is a registry district with Gothenburg and Stockholm each divided into several such districts.

For the administration of the poor laws (the *fattigvård*) each parish and each city is a poor law district with a poor

board chosen by the local council. Poor relief is not limited to the treatment of paupers and the administration of almshouses but may include aid to those living in their own homes. In a very few cases two or more parishes are joined together to form a poor law district. An important function of the municipality is looking after the welfare of children both in and away from the parental home, including aid and advice to mothers. In most municipalities a child welfare commission is charged with these duties. Each municipality is also an old-age pension district (except in larger cities, which are subdivided for this purpose) with an old-age pension board in charge. Further details relative to this subject will be found in a later chapter. Each municipality also has an unemployment committee, which under the supervision of the central Social Board at Stockholm acts as an employment agency and gives aid to those without employment.

Another task assigned to the municipality is the local administration of laws regulating the use of intoxicants. This work is in charge of a special temperance commission (*nykterhetsnämnd*) or, in case none is established, of the poor law board. This work includes the supervision and inspection of the sale of intoxicants. The commission has the authority to scrutinize the conduct of those individuals suspected of intemperance and has the power to send offenders to an institute for the cure of alcoholism.

The protection of health and the administration of health laws are highly important municipal functions. In the parishes this work is usually in charge of the regularly constituted parish executive committee. Each city is required to set up a health commission (*hälsovårdsnämnd*) usually headed by the chief of police. Pure water supply, pure food, and sanitary home conditions are among the objectives of the health program. In each *län* there is a *län* physician who supervises the health work of his area. These in turn are supervised by regional physi-

cians. Hospitals both general and special, such as for tubercular and chronic cases and for contagious diseases, are among the varied activities in this field. In these matters the Medical Board in the Department of the Interior exercises detailed supervision over the municipal health agencies.

A large part of the municipal expenditures are for what might be called social purposes, such as pensions, poor relief, child welfare, public health, care of the sick, and unemployment relief. Of the total expenditures in 1932 in the municipalities not including the län governments 35 per cent was used for the items mentioned here, whereas in the 24 län 77 per cent was so used.

Fire protection naturally is an important municipal function, especially in the cities. Even in the rural areas the län government may require the establishment of fire-protection agencies where it deems them desirable. In some parishes there are special agencies for fighting forest fires. Police protection likewise is an important function and as a rule each municipality is a police district working under the close supervision of the län and central governments. In all urban municipalities there is a city-planning commission with zoning powers, and even in certain rural areas there is some attention given to community planning. Last, but not least, among the local functions is that of education: in this field the local school officials, under the constant supervision of the Central Board of Education in the Ministry of Public Worship and Education, are responsible for the schools. Education in some cases is in the hands of the ecclesiastical parishes, in others it is under the nonecclesiastical municipalities, with the latter gradually taking over more and more of this work.

The ecclesiastical parish has a local government of its own with a parishioners' assembly (*kyrkostämman*), a church council (*kyrkofullmäktige*) popularly chosen, and a church board (*kyrkorådet*). These agencies under the

direction of the Ministry of Public Worship and Education administer local church affairs.

23. National control over Swedish municipalities. As indicated repeatedly in the preceding pages, the local governments are closely supervised by various ministries, boards, and other officials at the national capital. Local ordinances are in many cases subject to disallowance and are frequently subject to the veto of the governor, who is the län representative of the central government. All local administrative actions if properly challenged may be reviewed by higher authorities and may even be appealed to the Supreme Administrative Court. All municipal finances are subject to close scrutiny, and an annual summary of all accounts must be rendered to the Central Statistical Office in Stockholm. The net result is that the Swedish municipalities vested with wide powers of self-government are, nevertheless, to a large degree administrative districts for the service of the central government.

24. Local governments of Denmark, Norway, and Sweden compared. It is obvious from the discussion in this chapter that the local governments of the three countries follow much the same pattern. In each of them there is a very close relationship between the central government and the local units. In all three the municipalities serve in the capacity of local administrative districts for the central government. The Danish Amtmand, the Norwegian fylkesmann, and the Swedish landshövding (all properly referred to by the English word "governor") are centrally appointed agents in charge of a province or county. In Denmark and in Norway all cities are outside the jurisdiction of the county, while in Sweden only a few of the larger cities are so excluded.

In each country the local units all have popularly elected legislative bodies, always selected by the method of proportional representation, which method is also used in the parliamentary elections in the respective kingdoms. In

all three the municipal suffrage while very broad, and based on the general principle of adult suffrage, has residence and sometimes taxpaying qualifications which rule out some of those who are eligible to vote in parliamentary elections. In Denmark and in Norway the mayor of the city is chosen by the city council. In Sweden where the most important task of the mayor is to act as the presiding judge of the court of first instance, he is selected by the central government from among three candidates chosen by popular vote.

It is worthy of note that in each of the countries the laws relating to local governments present an organized unified whole with very few if any special or local laws. At the same time localities are given some leeway in deciding about some of the details of organization.

Municipal ownership prevails in all parts of Scandinavia but in all three the operation of the public service plants is subject to close scrutiny and supervision by the national government. In this field, as well as in administration in general, the local governments of Scandinavia rank among the most efficient in the world.

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CHAPTER VIII

THE SCANDINAVIAN GOVERNMENTS AND LABOR PROBLEMS

The Scandinavian peoples have long been keenly aware of public responsibility in the field of labor. This chapter will deal briefly with the legislation which has been enacted in this field in the three countries and with the administration of such legislation. Attention will be given to child labor legislation, workmen's compensation, unemployment insurance, the settlement of industrial disputes, and the use of public works as unemployment relief.

1. *Child labor legislation in Scandinavia.* In Denmark no child under 14 years of age may be employed except in agriculture, in forestry, on ships, or in the fishing industry. No one under 18 may, except under exceptional circumstances, be employed at night or for longer hours than adults in the same trade.

Norway recently enacted child labor legislation which bears some resemblance to certain phases of wage-hour legislation in the United States. The legislation deals first with children, and second with youth. Children, defined by law to mean persons under 15 years of age, are prohibited from working in industry generally, although there is a rather long list of exceptions such as office work, traveling sales work, forestry, theaters, restaurants, and educational work. It is also provided that children over 12 may work in fish-drying establishments and as messengers. A youth is defined as a person from 15 to 18 years of age. No youth may work on steam boilers or within machinery where caution is necessary, or engage in tasks which are strenuous or unsafe or dangerous to health. In all cases

a physician must certify that the youthful worker is physically capable of performing the tasks involved. There are further provisions which prohibit employment in ways which interfere with certain requirements for school attendance. All questions as to whether children or youths may be employed are decided by officials in the Department of Social Affairs.

In Sweden no child under 14 may be employed except on the farm or as a domestic, although in certain non-industrial employment the age limit is only 13. No person under 18 may be employed in work which is dangerous and unhealthful, or may be employed if medical examinations show him unfit for the work. Certain work on board ship may not be performed by persons under 18. As a rule, no person under 18 may be employed until he has completed the work of the elementary school.

2. *Workmen's compensation—Denmark.* Workmen's compensation was introduced into Denmark by an act of parliament in 1898. Applying at first only to the larger industries, its scope has been broadened by subsequent legislation until today, on the basis of the law of 1933, there is in Denmark one of the most comprehensive systems of workmen's compensation in the world. In 1900 fishermen were included, in 1905 seamen, and in 1908 agricultural laborers and woodsmen. The present law goes so far as to cover practically every one in the employ of someone else, including domestic servants. The employees of the state and of all local governments are also covered. All employers, with the exception of local and national governmental authorities, are compelled to carry liability insurance for all employees, in a company approved by the Department of Social Affairs. A most interesting provision is to the effect that in case the employer fails to take out insurance, he is personally liable, and if he is unable to pay, all the approved accident insurance companies of the country are jointly liable. It is easy to see that such a provision will stimulate the

insurance companies to keep a close check on possible negligence to insure on the part of employers. Workers are protected against occupational disease as well as against accidental injury. In either case the affected worker is taken care of for the first weeks through his sick club, in which all workers are compulsorily insured. In the event of death, funeral expenses are paid and the worker's family or dependents receive a cash payment. In the event of permanent disability, either partial or complete, the worker receives a pension based upon his usual earnings and upon the degree of invalidity. In no case may the pension be more than 60 per cent of his regular earnings. If the invalidity is less than 50 per cent the computed present value of the pension is paid in a lump sum. At the option of the worker such a settlement may also be made when the degree of invalidity is higher than 50 per cent. The philosophy back of this provision is that the worker may be able to use a lump sum to start some enterprise for himself.

The administration of the workmen's compensation law is in the hands of a directorate of accident insurance (*direktoratet for ulykkesforsikringen*) in the Ministry of Social Affairs. All questions as to accidents, occupational diseases, amount of disability and of compensation are decided by this directorate, which is made up of representatives of workers and of employers. Appeals from its decision may be made to the Accident Insurance Council (*Ulykkesforsikringsraadet*). This council has final jurisdiction.

3. *Workmen's compensation—Norway.* Compulsory insurance to protect individual workers against industrial accidents has been in operation in Norway for many years. In 1911 seamen and in 1925 fishermen were included. Less comprehensive in scope than the Danish system, only those agricultural workers using machinery are protected, and domestic servants are not included; woodsmen and forestry workers, however, are covered. The National

Insurance Bureau (*Rikstrygdeverket*) is not only the agency for administering the workmen's compensation laws, but acts also as the insurer and as the custodian of the accident insurance fund. While the system is centrally organized and administered, the individual cases are usually handled by the local health insurance office. In all cases, the employer pays the entire premium. In the case of fishermen who have no employer, the worker himself must pay 40 per cent of the premium, the remainder being paid out of public funds.

In the event of injury, all medical and hospital expenses are paid and also a daily cash allowance. In the event of permanent disability, the injured worker receives a life annuity varying according to the average wage scale as a class and according to the degree of disability. A totally disabled individual worker receives a life annuity of 60 per cent of his usual wage. If the injured worker dies, a contribution is made to the funeral expenses, and his widow or other dependents get an annuity. There is no protection against occupational disease in connection with workmen's compensation. This lack is not so significant, however, when we remember that all Norwegian workers are compelled to carry health insurance.

The law requires that workers shall have at least nine days vacation each year with pay. Oftentimes a wage agreement will provide for a longer vacation period.

4. *Workmen's compensation—Sweden.* By an act passed in 1901, Swedish industrial employers were compelled to carry liability insurance to cover accidents to workers. Since then, legislation has been enacted to broaden the scope of workmen's compensation so that today, on the basis of the Industrial Accident Act of 1916, as amended, and the Occupational Disease Act of 1929, there is in operation in Sweden a program of compensation for industrial hazards which compares favorably with that of any other country.

Every person working for another for pay is covered,

as are also apprentices and even those who are students at certain trade schools. Domestic servants are also included. Every employer must take out liability insurance either with the National Institute of Insurance (*Riksförsäkringsanstalten*) or with a mutual liability insurance company approved by it. This liability insurance covers hazards from many types of occupational disease as well as from accidents.

In the event of injury, the workman receives all medical treatment including medicines and any necessary artificial appliances. If the injury is followed by a convalescent period during which the worker is incapacitated, he is given a daily cash allowance varying in amount with the wage scale and with the degree of incapacitation. If the worker is permanently disabled, he is, in case of severe disability, given an annuity amounting to two thirds of his earning capacity. In less severe cases, the amount of the annuity varies with the degree of disability but no annuity is paid if the disability is rated as 10 per cent or less. A permanently injured worker is also paid a sufficient sum annually to pay the cost of renewing artificial appliances. If the injured person dies, funeral benefits are paid, and the dependents of the deceased receive certain annuities. The rules and the practices regarding hazards from occupational diseases are in general the same as those for cases involving industrial accidents. The survivors of a worker who dies as a result of an occupational disease receive benefits only if the death occurs within two years of the first appearance of the disease. It must be borne in mind that only certain ailments are legally recognized as occupational diseases and that the list of ailments varies somewhat with the type of occupation. For example, nurses, midwives, and medical research workers are protected against certain infectious diseases.

The Swedish workmen's compensation program covers all wage earners, including white collar workers and domestic servants. It does not cover those workers who

have no employer and those whose work, even though under an employer, is carried on at home. Over two million workers were covered in 1946.

The administration of the workmen's compensation laws is in the hands of the National Institute of Insurance, which also has charge of the special state-supported accident insurance system for fishermen and of compensation for injuries and illness in the military service. Any decision made by the National Institute of Insurance may be appealed without cost to the Insurance Council (*Försäkringsrådet*) which is a sort of workmen's compensation court made up of ten members, two of which represent the employers and two the workers. The council need not wait for an appeal, but may call up cases on its own initiative. In all cases the council has final jurisdiction.

5. *Unemployment insurance—Denmark.* About forty years ago the Danish government began to make contributions for the public treasury to the unemployment benefit societies (*Arbejdsløshedskasser*, sometimes translated "unemployment clubs," or "unemployment societies"), of which a great many already were in existence, largely under the sponsorship of trade unions. Today these approved and state-aided societies, with a membership of over 500,000, and usually managed in connection with trade unions, constitute the basic feature of the Danish unemployment insurance system. The funds of such a society come from contributions (1) by members, (2) by the national treasury, and (3) by the municipality. The amount of the public grant varies with the different societies, the lower the average annual earnings of the members the higher the grants. Employers make no contribution to these local societies. When a worker has difficulty in making his contribution the municipality may, in addition to other contributions, help him by paying half of it.

When a member has been out of work for a short

period, he is paid a cash allowance for a certain number of days, varying among the different societies from 90 to 200 days in any one fiscal year. The length of the waiting period and the amount of the cash allowance also vary with different societies, but no worker receives a cash allowance of more than two thirds of the average earnings of his particular trade. Unemployment benefits are not paid to those on strike, nor to those who are at the time receiving sick benefits or other forms of similar allowance—nor to those who unreasonably refuse to accept other employment.

The whole scheme here described was set up, of course, to function in normal times. With the unusual amount of unemployment which developed in the 1920's, Denmark found it necessary to set up also a State Unemployment Fund, which was to be a reserve for emergencies and prolonged periods of unemployment. To this fund employers contributed a definite number of kroner per year-worker and from the fund grants were given to the unemployment benefit societies for emergency relief, with the result that the length of the period for receiving unemployment aid was extended in some cases to as much as nine months in any one fiscal year. Even now this fund is in operation under certain conditions.

The administration and supervision of the unemployment insurance system is in the hands of the director of labor and other agencies in the Department of Labor. Associated with the director of labor is a group of representatives of the unemployment clubs and of representatives of the Rigsdag which acts in an advisory capacity in formulating the policies to be followed in the administration of the system.

Like Danish health insurance, unemployment insurance is based on voluntary, self-governing associations of individual citizens who have agreed to take collective risks against a common danger, which in this case is possible unemployment.

The main object in the unemployment program is to find

employment for those who are unemployed rather than to support those who must be idle. In Denmark employment exchanges are set up in various parts of the country to aid in bringing jobs and the unemployed together. Even with the establishment of these exchanges, however, the unemployment clubs continue to serve as important sources of information on available workers.

6. *Unemployment insurance—Norway.* In Norway, as in Denmark and in Sweden, the state subsidizes unemployment benefit societies (*arbeidsledighetskasser*).

It was not until 1938, however, that Norway set up a nationwide compulsory unemployment insurance system. For over fifty years previous to that time there had existed an increasing number of voluntary societies in this field, which since 1915 had, when approved by the public authorities, received contributions from the public treasury. Under the 1938 act (amended and broadened in 1946) unemployment insurance was, with minor exceptions, made compulsory for the same group which is compelled to carry health insurance, namely all persons between the ages of 15 and 70, gainfully employed, whose annual income is below 9000 kroner.

In the event of unemployment the worker receives a daily cash benefit for not more than 15 weeks per twelve-month period. Payments of cash benefits will not be made unless the person involved has been properly employed at least 45 weeks in the preceding four years. After the payment of benefits for 15 weeks within a twelve-month period no further benefits are paid until the person has been employed again for at least 15 weeks. Benefits are not paid to persons on strike nor to those who unreasonably refuse re-employment.

In addition to the payment of cash benefits, the Norwegian unemployment insurance system, as recently revised, also assists the unemployed member in two ways. In the first place it makes a contribution toward the moving expenses of the member if it should be necessary for

him to go to another location to get work. In the second place the member is also financially assisted in the process of learning another trade or occupation. During periods of unemployment the member is not only excused from paying the unemployment premium but the unemployment insurance organization even pays the member's health insurance premiums, including contributions to this premium due from the worker *and* the employer.

The premiums of the unemployment insurance system are paid 50 per cent by the employer and 50 per cent by the employee. Contributions to the scheme are also made by the national and the municipal governments. On January 1, 1946, the unemployment insurance fund had a balance to its credit of 278 million kroner.

In all parts of the country there are employment exchange offices under the supervision of the directorate of labor to cope not only with problems of unemployment which may arise but also with problems arising because of labor shortages.

7. *Unemployment insurance—Sweden.* A system of state-subsidized unemployment insurance was inaugurated in Sweden by legislation enacted in 1934. This system, administered nationally by the Social Board (*Socialstyrelsen*), is built around the unemployment funds which for a long time have been set up by the various trade unions. Public grants are given to approved unemployment benefit societies, and as fast as the various trade unions elect to come under the new law—and this process is moving along rapidly—the system will become practically national in scope, although the entire scheme is on a voluntary basis. In 1947 the 36 unemployment benefit societies had a total membership of over 930,000. The membership is strictly limited to wage earners who are in the paid employ of another party for at least seven months of the year. To be eligible for benefits the unemployed worker must report periodically to a public employment office.

The state-approved societies are financed by subscriptions from the members and by state subsidies. The employers make no contribution. The state subsidy consists of two parts: (1) a grant paid per calendar year per member, and (2) a grant toward the daily cash benefit paid to the unemployed worker. The amount of the grant is determined by a complicated formula. In all subsidization, the allotments to the various societies are made on the basis of need. An approved society is not permitted to make membership in a trade union a prerequisite for membership in the society.

To members who are out of work for longer than a short waiting period, daily cash benefits are paid, varying in amount from two to six kroner, but never more than four fifths of the prevailing local wage. Such daily benefits must not be paid for more than a given number of days, to be determined by the society (not more than 156 nor less than 90 days in any fiscal year). No benefits are paid to those who are unemployed as a direct result of a labor dispute, or to anyone who unreasonably refuses to accept other employment, except that an unemployed worker may refuse to accept employment where a strike is going on without forfeiting his right to the daily cash benefit. Because the present voluntary system of unemployment insurance is looked upon by many Swedish citizens as inadequate and not entirely satisfactory, studies are being made by official agencies as to the advisability of introducing a compulsory system.

The same year that witnessed the inauguration of this program saw also the establishment of a nationwide system of labor exchanges, or employment offices, supported in part by national and in part by municipal funds. With local offices in every part of the country, this service helped to check on those who claim unemployment benefits. It was made mandatory upon city councils—and city councils in the larger towns—to provide labor exchange offices. All private employment offices were to be gradu-

ally discontinued. By 1950 all such private offices will have disappeared.

Because of the great need for the services of employment exchanges which developed during World War II the national government took over the exchanges and placed them under a new central agency, the Labor Market Board, which in 1947 was given the status of a permanent agency. In each county a director is in charge of labor market matters, sometimes with branch offices in important centers in the county. Special attention is given to various categories of positions and to vocational guidance and youth employment. The radio is used to bring the worker and the job together. Moving expenses and loan of working clothes and tools are given to workers who need to transfer from one locality to another. Training courses to prepare workers for a new trade are also conducted. In 1947 there were nearly 1400 offices in all parts of Sweden. During the first ten months of that year these offices placed 987,000 workers in jobs.

8. *The settlement of industrial disputes.* The problem of handling strikes and other industrial disputes has been met in Scandinavia, though not of course permanently solved, by the establishment of various governmental agencies with certain powers, duties, and responsibilities in regard to such disputes. The general pattern of procedure in this field is much the same in each of the three countries. This similarity is not surprising in view of some of the parallels among them in matters regarding labor problems. In all three, organized labor, with the long historical background of an ably led and rapidly developing trade union movement, is recognized as a highly important factor in the structure of the national social order. In each of them the labor movement has played an important part in national politics—so important, in fact, that the three Scandinavian governments are now all under the leadership of labor cabinets.

Employers and workers alike are strongly organized in each of the three countries. One of the most important employers' organizations in Denmark is the Danish Employers' Association (*Dansk Arbejdsgiverforening*), which is made up of nearly 20,000 members, whose employees in industry, crafts, trade and transport number about 230,000. In the rural areas the master artisans and the owners of large farms and estates have employers' organizations of their own.

It is estimated that between 85 and 100 per cent of all Danish workers, skilled and unskilled, belong to trade unions. The overwhelming majority of workers belong to the 72 unions which make up the Trade Union Congress (*de Samvirkende Fagforbund*), which represents about 600,000 workers.

In Norway there is one nationwide employers' association. Neither are the Norwegian workers divided into competing groups. The National Federation of Trade Unions is the only national labor organization in Norway. It represents about 400,000 workers. The federation reaches into every branch of economy including not only industrial workers but also those engaged in farming and lumbering and those engaged as public employees.

The most important employers' organization in Sweden is the Federation of Swedish Employers (*Svenska Arbetsgivareföreningen*), whose membership in 1947 represented over 9000 firms with about 616,000 employees. This federation of course, includes only about 60 per cent of all organized Swedish workers. Employers in a number of fields such as agriculture, lumbering, and shipping have formed separate organizations. There is, however, very close co-operation between the various employers' organizations.

By far the largest labor organization in Sweden is the LO, (*Landsorganisationen*—loosely translated "the Federation of Trade Unions"). Some of the member unions are industrywide, others are craft unions. Only the lowest pay grades of white collar workers belong to the LO;

the overwhelming majority of this class are members of the TCO (*Tjänstemännenscentralorganisation*—loosely translated “the Central Organization of Salaried Employees”). The LO has nearly 1,200,000 members and the TCO about 240,000. A smaller number, about 165,000, belong to a rural federation, which in some cases takes the side of labor.

Some of the common features of the procedures relative to industrial disputes in the three countries are: (1) the recognition of the right of collective bargaining; (2) placing responsibility on the labor union as well as on the employer for damages resulting from failure to follow the decision of certain types of arbitration tribunals; (3) the establishment of special labor courts to interpret and enforce existing agreements between employers and employees; (4) the establishment of mediation boards to aid in bringing the employer and the employee together in disputes not coming within the jurisdiction of the labor courts; and (5) the failure, in spite of much agitation for it, and even some experimentation with it, to develop any general system of compulsory arbitration for industrial disputes.

It has been in Norway particularly that experimentation with compulsory arbitration has come about and there largely through temporary or emergency legislation. Enacted in 1915 to continue until the close of World War I, renewed for a year in 1919 and in 1920, expiring in 1921, and renewed a year later for another year, a law providing for compulsory arbitration was in effect from 1915 to 1923 with an intermission of one year. In 1925 a proposal to make compulsory arbitration permanent was defeated in the parliament, but in 1927 another emergency law to hold until 1929 was enacted against the united opposition of the Conservatives and the Laborites. This strange and unusual combination was able to prevent the extension of the statute beyond 1929. It seems that general compulsory arbitration is opposed by employers as well as by employees, a fact which accounts for the

seemingly odd teamwork between the Conservative and the Labor forces in the parliament. Opinions vary widely in Norway as to the efficiency and as to the feasibility of compulsory arbitration as a permanent national policy, but present indications are that Norway will not develop such a system as a part of its permanent labor program. During World War II (September 1944), however, the Norwegian government in London provided for a temporary system of compulsory arbitration. After the liberation the Storting continued this system with some alterations. The whole compulsory system, however, is likely to be rescinded when conditions become more nearly normal. The general satisfaction, which seems to result from the operation of the labor courts and the mediation boards, not only in Norway but in Denmark and Sweden as well, will no doubt explain in part, at least, why a program of compulsion is not making headway.

In Denmark there has at various times been enacted special or emergency legislation which provided that certain existing wage scales should continue for given periods unless changes were agreed to by both parties, and in 1936 a special arbitration board was given plenary power by special act to settle a strike of nationwide importance. There are no indications, however, that Denmark is moving toward general compulsory arbitration. The same is also true of Sweden, where the philosophy of conciliation and mediation rather than compulsory arbitration prevails. During World War II the employers and the workers of Denmark joined in sponsoring a system which has some resemblance to compulsory arbitration. A few months after the Nazi occupation of Denmark the Danish Employers' Association and the Amalgamated Trade Unions joined in asking for legislation which would make industrial disputes less likely. As a result the Danish government in September, 1940, created the Labor and Conciliation Board to hear conflicts, dealing with items not covered by trade agreements, which could not be settled by negotiations between the employers and workers

even with the help of the government conciliation services. The board, which is made up of three representatives of the employers, three representatives of the workers, and three representatives of the government, not only has power to make a final decision in such conflicts but also is authorized to make recommendations to the government for further legislative or administrative provisions for maintaining industrial peace.

There are, however, certain types of industrial disputes in each of the three countries which must be submitted to a public tribunal for a decision enforceable by the state. As noted above, these disputes have to do with rights arising under existing agreements between employers and workers. These cases, which in Norway are referred to as *rettstviser* (loosely translated "justiciable cases"), are distinct from the *interessetvister* (cases involving the divergent interests of the parties). The former in all three countries are tried by a permanently established labor court at the request of either party, and a failure on the part of either party to accept the decision makes the employer or the employer's association on the one hand, or the labor union on the other, responsible for damages.

In Denmark the labor court is called *Dem Faste Voldgiftsret* (the Permanent Arbitration Court established in 1910) and is made up of three members chosen by the employers and three by labor. Of each group of three, one must have legal training. Such training is required also for the chairman of the court, who is selected by the six appointees. This court has the last word as to rights under existing collective agreements, as there is no appeal from its decision. From 1910 to 1943 this court handled over 3000 cases.

In Norway the corresponding tribunal is called *Arbejdsretten* (the Labor Court). Its six members and a chairman all appointed by the king, through the ministry, make up the court, which includes men trained in the law and men representing both labor and capital. Employers are prohibited by law from discharging em-

ployees except for inefficiency or because of the economic needs of the firm. Any person who has been discharged and has reason to believe that his dismissal is due to other reasons, such as political or trade union affiliations, may bring his case to the Labor Court.

In Sweden the cases involving rights under existing collective agreements are heard by *Arbetsdomstolen* (the Labor Court) of exactly the same size (namely, six members and a chairman) as the corresponding tribunals in Denmark and in Norway. The chairman and two of his associates represent the general public, while of the remaining four, two represent labor and two capital. The Swedish Labor Court has followed the practice of making prompt decisions after brief hearings, so that there have been no delays. There is no appeal from its decisions. Collective agreements now cover more than 75 per cent of all Swedish industrial workers and are increasing in importance in agricultural and other fields. These agreements have influence on wages and working conditions even in shops that are not themselves covered by a labor contract.

When, however, individual disputes arise over matters not covered in the collective agreements or when a dispute arises in connection with the renewal of such an agreement, the labor courts in none of the countries have jurisdiction. It is under such conditions that strikes may legally occur in any of the three countries. Such cases are handled by a mediation board set up with the view to offering to the disputants every opportunity to come to an agreement without strikes or other direct action. Such a mediation agency has no authority to make a decision or to enforce any suggestion it may make. Usually, however, it is compulsory for both parties to meet and treat with such boards.

In Denmark the mediating agency consists of a board of three *Forligsmænd* (literally "conciliators"), who hear cases individually or collectively. The number of cases coming to this board has been comparatively small. In

Norway the machinery for mediation consists of (1) a *riksmeglingsmann* (national mediator), who is a full salaried state official with the responsibility of acting for the entire country, and (2) of five district mediators, who watch out for local conflicts. Before a strike or a lockout is begun, the national mediator must be notified, and this official is usually effective in bringing the two parties together. It is claimed that it is in the office of the national mediator rather than in direct action that Norwegian industrial disputes are fought and won. The relation between Norwegian labor and Norwegian management has been very largely one of harmonious co-operation. Before World War II a basic agreement was signed by the leaders of labor and of management which has kept industrial disputes at a minimum. Illegal strikes are very infrequent and there have been no large scale strikes since 1931. Norwegian wage scales are subject to increase or decrease in proportion to the index of the cost of living. The government, however, may use subsidies or other means to keep the index from changing too much. The general feeling in Norway among workers and employers is that the country has too modest resources to afford needless waste of productive power through strikes and lockouts. The attitude of the Norwegian government has regularly been friendly toward labor.

For purposes of offering assistance in mediation, Sweden is divided into seven districts, each one in charge of a *forlikningsmann* (literally "conciliator"), appointed by the central government and supervised by the Social Board in the Department of Social Affairs. No strike or lockout may be begun without notifying the conciliator, and both parties must appear before him, but need not, of course, accept any of his findings nor follow any of his suggestions. In the event that a labor dispute grows beyond district lines, and they often do, the task of mediation may be given to a special commission made up of two or more district conciliators. There has been steady improvement in the relation between Swedish management and

Swedish labor. A most important factor in this relationship is the agreement drawn up in 1938 between the two at the little seaside resort of Saltsjöbaden and named after it. The Saltsjöbaden agreement established uniform systems of negotiations between labor and management, erected safeguards in the public interest, and set up machinery for arbitrating disagreements not covered by collective contracts. Neither the right to strike nor the right of lockout was renounced but both sides agreed to avoid open conflict as long as possible. The original Saltsjöbaden agreement together with additions which have been made to it during the years since 1938 has had a good influence on both labor and management. This does not mean that strikes never occur, as witness the metal workers' strike of 1945, which lasted five months and involved 120,000 strikers, but it is nevertheless true that friendly relations between workers and employers are on as high a level in Sweden as anywhere else in the world.

9. *Public works as unemployment relief.* Even with such well-established unemployment insurance systems as those found in Scandinavia, it is impossible by this means only to take care of the increased number of persons who in periods of depression are unable to obtain employment. In Scandinavia, as elsewhere, the question has arisen as to whether the needy unemployed should be aided by direct relief or by employment on relief public works projects. There is no question whatever in the public mind of Scandinavia but that the public has a definite responsibility for helping those who through the working of economic forces over which they had little or no control find themselves without a means of livelihood. The question is rather as to how the aid should be given. In each of these three northern countries, the answer in general has been in favor of work relief as against direct or cash relief. This does not mean that direct relief has not also been given. The old-fashioned poor relief may still be used, but the pauper system is rapidly being replaced in Scandinavia

by results of the philosophy that the needy must be taken care of without being thought of as paupers. Whenever the question of cash versus direct relief is discussed in connection with countries with such a sweep of social legislation as Denmark, Norway, and Sweden have it must be borne in mind that the contributions from the public treasury, be it national or municipal, to the costs of the various types of social insurance may, in a sense, be denominated direct cash relief. At the same time it seems reasonable that when the government helps pay a person's premium on social insurance it has a much less deteriorating effect on the individual than would the payment of a direct dole. It is true, nevertheless, that it has sometimes been necessary in times of depression to supplement the benefits regularly received from various social insurance systems by the appropriation of public funds beyond the usual subsidies for these purposes. It is also true that there has been some payment of direct emergency relief to the needy unemployed. In spite of all this, however, it is true to say that the Scandinavian philosophy and practice of unemployment relief are decidedly on the side of work relief as opposed to the direct dole.

It is in Sweden especially that a public works program was used for furnishing work for the jobless during periods of unemployment between the two wars. The program is still a part of Swedish labor policy but it no longer plays an important role. This scheme was not inaugurated or carried on without warm political controversy, but for several years the Social Democrats, with the support of the Agrarian party, worked steadily on a comprehensive program of public works which resulted in much improvement in the Swedish unemployment situation. It is claimed that the "work principle" of unemployment relief was given a more searching test for a longer period in Sweden than in any other country.

The central supervision of the Swedish works program was placed in the hands of the National Employment Commission (*Statens Arbetslöshetskommissionen*), es-

tablished as early as 1914 for the purpose of studying and if possible relieving unemployment, but most of the details of administration were in the hands of the local municipality in which the project was located. The initiative for such projects came from the municipality, but all projects had to be approved by the commission, and the national treasury contributed heavily to the cost of the project both as to the labor cost and material. Many projects were entirely national. There were also a number of municipal public work programs carried on without a national subsidy. These two classes of projects often used more workers than the joint national-municipal projects. Among the more important projects in the Swedish program were road building, forestry services, stadium construction, and laying out of athletic fields, bridge building, inland waterways, harbors, and canals, water supply, and drainage systems. Since 1933 the wages paid on public works projects have been based directly on the wage rate in the open market. In all projects the work must be of such a nature that the labor cost is the principal expense, and such that the demand is particularly for highly skilled labor. All projects must also be such that they might be left unfinished in the event that unemployment should markedly decrease before their completion.

As a part of the Swedish program there were the newly devised labor camps for unemployed youths. These camps were of two types; in one the emphasis was on training, and the young man received little pay beyond his board and lodging; in the other the emphasis was on useful work, usually on a piece-work basis at the prevailing wage, and here the young worker had to pay a reasonable amount to the camp for his food and lodging.

The present government policy is to set up what is known as "emergency" work, made up of projects which sooner or later would be carried out by government agencies and by the use of government funds and to be geared into the open labor market. Because the Swedish government itself is, in many fields, the largest employer, the

possibilities of combating future unemployment should be good. The emergency work program also includes the possible subsidization of private enterprise in such fields, for example, as housing in case of major unemployment. Work projects of this nature are handled either by the Labor Market Board or by the local employment boards.

In Norway the public works program has not been as comprehensive as in Sweden, although from 1920 to 1934 an average of about fifteen million kroner per year were expended by the national treasury and by the municipalities for public works projects aimed at making work for the unemployed. The projects in Norway were of four types: (1) national works such as road building, improvement of waterways and harbors, reclamation, which are undertaken at an earlier period than otherwise would have been the case, in order to furnish additional jobs; (2) work initiated by the municipality but subsidized by the state. These projects usually consist of "made work" and are referred to as *nödsarbeid* ("emergency work"); (3) municipal projects in which the national treasury makes no contribution; and (4) private projects in the field of reclamation or drainage in which either national or municipal contributions from public funds may be made.

In Denmark the public works program has been of less significance than in the other two, but here, too, there are provisions by law for both national and municipal projects. The wages paid must be higher than unemployment benefits, but lower than the prevailing wage in the open market. Public subsidies may also be given to private projects that are undertaken primarily to make additional jobs. At the close of World War II a large number of public works projects were available for use in any program of work relief. In Denmark, as elsewhere, the lack of employment for young men is a serious problem. To meet this problem the national treasury is ready to subsidize local camps for men from 18 to 25 years of age, and

a number of municipalities have set them up. At such a camp a young man does useful work of a kind not competing with labor elsewhere, and receives a small sum plus board and lodging. The camps also offer recreational and educational advantages.

CHAPTER IX

SOCIAL LEGISLATION IN SCANDINAVIA

No description of the governments of the Scandinavian countries would be complete without some discussion of the ways in which these governments seek to solve the many social problems which arise in our complicated present-day civilization. The purpose of this chapter will be to review very briefly some of the more significant activities and interests of these three states in aiding and serving their respective citizenry with the view to increasing the sum total of general social welfare. These northern countries have gone a long way in such matters as social insurance, protection of workers, public health, housing, aid to agriculture, temperance, stimulation of co-operatives, and many others.

As pointed out in an earlier chapter the legislation and administration in connection with modern social problems in Scandinavia are marked in each of the countries by a desire to co-operate constantly with the other Scandinavian lands. This has resulted in marked similarities in many aspects of social legislation and has made Scandinavia as homogeneous a unit in these fields as can fairly be expected of a group of totally separate and independent nations. While the discussion in this chapter deals necessarily with the situation country by country, it should be borne in mind that in many cases alien Scandinavians receive the same treatment as citizens even to the payment of benefits. Periodic inter-Scandinavian cash settlements make each nation pay for its own citizens. Such international co-operation makes it possible for a Norwegian, for example, to enjoy certain benefits while residing in Denmark or in Sweden.

1. *Old-age pensions—Denmark.* In each of the three countries there is a general system of old-age pensions established by law. Denmark in 1891 first established such a system, under which the various local municipalities¹ decided as to the individual needs of old persons. The Old Age Pension Act of 1922 provided that all persons past 65 years of age had the right to receive a pension, varying, to be sure, according to the income of the recipient. The most important piece of social legislation in Denmark is the National Insurance Act of 1933. Under this law an annual basic old-age pension was fixed for persons past 65 (in 1937 lowered to 60), with variations as to marital status, geographical location, and amount of private income. For example, the basic figure (according to 1944 figures) for a married couple where both husband and wife are eligible for an old-age pension is about 1800 kroner in Copenhagen, 1200 kroner in provincial towns, and about 1150 kroner in other parts of the country. These payments may be increased if the cost of living increases. Application for the pension may be delayed if the individual citizen so desires it, and in such a case the basic sum of the pension is increased in proportion to the delay in making the application. The individual makes no contribution to the Danish old-age pension system. He is required, however, to take out insurance against sickness and permanent disability, or if ineligible for such insurance, to show evidence that at the proper time he has made application for it. The matter of health insurance will be discussed briefly in a later paragraph. As will be made clear at that point, there is a close relationship in Denmark between old-age pensions and disability insurance. The cost of the old-age pension is paid four sevenths by the national treasury and three sevenths by the local municipalities. In 1935 about 78 million kroner was paid to about 140,000 eligible for old-age pensions. This represented approximately one half of the total

¹ Throughout this discussion, the term "municipality" will be used to denote any local government unit, rural or urban.

population past 65 years of age (the age limit at that time). In the fiscal year 1942-1943 the total outlay on old-age pensions had risen to 206 million kroner. This amounted to over one fourth of the total expenditures for social services for that year. The Nazi occupation had little if any effect upon the functioning of old-age pensions or of other forms of social insurance in Denmark.

2. *Old-age pensions—Norway.* Because it had long been the practice of private employers in Norway, especially those with large numbers of employees, to set up private pension systems or to take out insurance in private insurance companies covering retirement payments to employees, the Norwegian government did not provide for a general old-age pension system until 1936. Many municipalities, however, had already established local old-age pensions. A national system was needed especially for fishermen, agricultural laborers, woodsmen, and small farmers who ordinarily were not taken care of by any private pension system and who yet are at the economic level where old-age protection is important. Long before this, of course, pension systems had been in existence for all public servants both national and municipal. The act of 1936 established a minimum annual basic pension of 800 kroner in the cities and 600 kroner in the country. From this basic pension the actual amount is derived by taking into consideration marital status and private income. Other income up to one third of the basic pension may be received without any reduction of the pension. Neither does the ownership of a home valued at 6000 kroner or less cause any pension reduction. A large city may, in view of the higher cost of living, increase the basic pension; and Oslo, for example, a number of years ago made the basic figure 1400 kroner. Many Norwegian cities have not made any increase of the basic pensions. Additional allowances are made to pensioners who have minors to support.

It is obvious from the above that the payment of old-

age pensions in Norway is not limited to those who are destitute. There is a close relation, however, between private income and pensions, and any private income exceeding one third of the basic pension is deducted from the pension to be received. The age for beginning payment of old-age pensions is 70. The age of the husband determines whether a married couple receives a pension.

The cost of the pensions is met partly by general taxation and partly by a special income tax levy of 1 per cent on all persons with an income of 1000 kroner or more (1200 or more in the cases of urban residents). A part of the revenue from this levy goes directly to the municipalities, which must bear a part of the cost of the pension system. The national treasury meets the rest of the cost, and expects also to build up a special fund which is to be used as a source of contributions to future costs of the system. It is estimated that the annual cost to the taxpayer of the Norwegian old-age pension is about 90,000,000 kroner. Many of the private pension systems still continue.

According to recent figures there are approximately 135,000 persons receiving old-age pensions in Norway. This means that about three fourths of all persons over 70 years of age are receiving pensions.

Beginning in 1936, Norway has provided for pensions for the blind and for disabled persons. These pensions are similar in amounts to the old-age pensions and, like the old-age pension, the system is noncontributory, with the benefits paid out of a public disability fund. Pensions to the amount of about 2,000,000 kroner are paid out annually to about 1100 blind and about 2100 disabled persons.

3. *Old-age pensions—Sweden.* In Sweden, as is frequently the case elsewhere, old-age pensions and disability payments are tied up in the same system. This is not illogical, as old age may properly be classified as a type of disability. Since 1913, Sweden has had a system of

compulsory old-age and disability insurance applying to the population in general. Up to very recently, however, the allowances under the system have been so small that pensioners without other income have been dependent on additional help from the local poor relief administration. The National Pension Act of 1935 as amended by the Act of 1937 provided for a broader system, which continued until 1948. Every able-bodied person from 18 to 65 years of age was required to pay into the National Pensions Fund at least 6 kroner a year, the exact amount being determined by the amount of his property and the size of his income. In 1937, the number of contributors was close to 5,000,000, with the estimated total receipts by the National Pension Fund for the year around 36,000,000 kroner. In this respect the Swedish system differs from the Danish and the Norwegian in that the latter two do not require direct contributions to a pension fund, but meet the payments through taxation.

Under the Pension Act of 1946 a new system went into effect on January 1, 1948, which introduced two important changes: (1) a decided increase in the amount of annual pension, and (2) the discontinuance of the payment of premiums and the substitution of an additional income tax, the proceeds of which go into the general pension fund.

Every Swedish citizen who reaches the age of 67 will, regardless of income, draw the same basic pension of 1000 kroner a year (1600 kroner for a married couple). To this basic pension may be added special housing and dependency allowances. These allowances vary with the cost of living in different areas. The new law also provides for disability pensions, which are adjusted according to the other income of the recipient. Widow's pensions are provided as well as special pensions for the disabled and the blind.

A special income tax of 1 per cent is levied to help support the system, with the proviso that no income tax

payer shall pay a special tax of less than six nor more than one hundred kroner a year.

The new pension law, which was passed with the approval of all political parties, places a heavy financial burden on the Swedish people. It is estimated that the total annual cost will be nearly 800 million kroner. Of this amount only a little over 10 per cent, about 85 million, will be secured by the special income tax; the municipalities will contribute about 70 million and another 30 million will be available annually from the old-age pension fund. On this basis the national treasury will pay about 600 million kroner annually for old age and disability pensions as compared with about 400 million under the old system.

Additional old-age annuities may be secured through a government-operated, voluntary insurance system. In 1945 premiums to the amount of about 17 million kroner were paid into the voluntary insurance fund.

The administration of the pension system is vested in the Royal Pensions Board (*Pensionsstyrelsen*). The board also administers other insurance funds and other types of government aid such as those in the field of child welfare.

4. Health insurance and health protection—Denmark. For several decades Denmark has had private and voluntary health insurance through what are virtually group health associations. These associations or *Sygekasser* (literally translated, "sick clubs") began in the nineties to receive subsidies from the state. In the state-aided clubs, only those with the income of a skilled worker or less are eligible for health insurance. This movement was so popular that by 1933, when the National Insurance Act virtually made health insurance compulsory, about two thirds of the adult population were members of the voluntary sick clubs. Since 1933 every person between 21 and 60 has been compelled to contribute to an approved sick club (of which there are about 1600).

While subject to a certain amount of state supervision, the individual clubs were run locally through leaders democratically chosen by the insured themselves. Persons with incomes too high to be admitted as regular members are taken care of by specially provided sections of sick clubs, or they may join a benefit society controlled by the state. The state subsidies are given only for the use of sick clubs in giving protection to those in the workers' income class. No person has the right to old-age or disability pensions unless he is a member of a sick club. In case of illness, the sick club furnishes medical attendance and hospital treatment and pays an allowance during the time of illness (up to six months). Maternity benefits are also paid. For all this there is annually contributed from the national treasury to the sick clubs a small amount per member. The treasury also contributes to a portion of most other expenses. Most of the income of the sick clubs is from premiums paid by its own members. These premiums vary in proportion to the amount of daily allowance guaranteed during the period of illness. There are, however, certain subsidies from the municipality also. Practically all the hospitals in Denmark are operated either by local municipal authorities or by the national government, and the rates are very low to members of sick clubs. This means that much of the cost of hospitalization is paid indirectly out of public revenues. In many instances the municipality also furnishes free transportation for a sick member to and from the doctor or hospital as well as free transportation of the doctor or the midwife to and from the home of the member.

Closely related to the general health insurance is the disability insurance, also provided for in the National Insurance Act of 1933. All citizens in good health are required to carry disability insurance (chronic invalids are given aid under the Public Assistance Act, further discussed in connection with child welfare). The annual premium for disability insurance is 7.20 kroner a year (married persons are given slightly lower rates), while

employers also contribute 6 kroner per year for each employee. One seventh of the cost is paid by the municipality and the remainder, about one half, is paid by the national government. The amount of disability benefits is determined on the same basis as that for old-age pensions, which have been described in an earlier paragraph, except that for severe disability there may be supplementary aid. In 1946 about 41,000 persons, about 1 per cent of the population, were receiving disability pensions. Benefits are paid from the Disability Insurance Fund supplemented by the grants from the national treasury and from the municipalities. The Disability Insurance Court (*Invalideforsikringsretten*) in the Department of Social Affairs administers this insurance system, and makes the final decision as to the degree of disability. No person is given a disability benefit unless his capacity to work has been reduced at least one third.

As pointed out in an earlier chapter, Denmark had for a short time (1926-1929) a separate department of health. The administration of public health laws is now in the hands of the National Health Service (*Sundhedstyrelsen*) in the Department of the Interior. Every Amt has a trained public paid physician, as has also the city of Copenhagen, all under the National Health Service. Matters of sanitation, child health, prevention of epidemics, and public hospitals are a part of the nationwide program. Socialized medicine is making rapid strides in Denmark, especially in conjunction with the various types of social insurance. There is, nevertheless, much private practice and many private clinics.

5. *Health insurance and health protection—Norway.* Health insurance has been recognized as a state function in Norway for nearly thirty years. The National Insurance Bureau (*Rikstrygdeverket*), established in the nineties to administer the accident insurance laws, began in 1911 to supervise also the nationwide program of health insurance. The details of the existing program, which

careful observers rate as an excellent one, are based on legislation enacted in 1930, which provides for compulsory health insurance for persons from 15 to 70 years of age who are gainfully employed and whose income is below an amount to be fixed by the king (which means the king's ministers, or the cabinet). Under the present rules, all workers whose incomes do not exceed 9000 kroner must carry health insurance. The insuring agency is a local sick insurance bureau set up in the municipality, all such agencies working under the close supervision of the National Insurance Bureau. The cost of the insurance is regularly divided as follows: the insured himself, 60 per cent; his employer, 10 per cent; the national treasury, 20 per cent; the municipality, 10 per cent. In many cases employers have adopted the practice of paying the entire premium. The number of workers covered by compulsory health insurance in Norway had grown from about 300,000 in 1911 when the program was first set up on a nationwide basis to about 1,000,000 by January 1, 1947.

Since 1935 health insurance has been compulsory for all fishermen. Because in many cases fishermen are self-employed, special rules apply and the annual premium is very reasonable. Special attention is given to the needs of Norwegian seamen who become ill away from home. The premium for seamen's health insurance is higher than for other occupations. The seaman himself contributes about 40 per cent of the cost, the public treasury about 40 per cent, and the employer the remainder. In case of illness, these benefits are paid: two thirds of the cost of local medical attention, full cost of hospital service, and a daily allowance for time lost (not to exceed six months). Maternity aid is also given, including cash allowance for a total of eight weeks. Cases are cared for in local municipal hospitals, or if very serious, are sent to the state-owned national hospital in Oslo. Publicly owned hospitals are found in nearly every populous municipality. The city hospital at Oslo, with nearly fifty buildings, is reputed to be one of the finest on the entire continent.

In addition to those who are compelled to take out compulsory health insurance there were in 1946 about 300,000 Norwegian citizens who were voluntary members of the system. This group of citizens was made up of persons above the income limit for compulsory membership or of persons not gainfully employed. Voluntary members pay the entire cost of the premium, with no help from employer or public resources. Evidence of the popular acceptance of health insurance is found in the fact that the voluntary membership was doubled in the decade from 1936 to 1946.

It is estimated that about 70 per cent of the gainfully employed are covered by the health insurance system. Also covered is the wife of a member as well as his children under 16 years of age. When, in 1947, the entire social security budget was increased above prewar levels, an important item of increase was for health insurance costs.

Norway has no general system of disability insurance, differing in this respect from both Denmark and Sweden. In some localities, however, disability benefits have been made a part of the old-age pension system.

The whole matter of public health is counted as a most important state function in Norway. Norwegian observers point out that the significant improvement in health conditions are probably due to a great extent to the health insurance system. Under the direction of the Medical Bureau and other agencies in the Department of Social Affairs, the health of all Norwegian citizens is carefully guarded in all localities and at all ages. With a publicly paid physician in each fylke, supervising other similarly remunerated physicians, and with many other trained medical men serving the public in conjunction with the various social insurance systems, Norway has in some respects what closely resembles socialized medicine. This does not mean, however, that the private practice of medicine is not still very common. The members of the medical profession are reported to be, on the whole, sat-

ified with the system, as it provides for greater stability of income.

6. *Health insurance and health protection—Sweden.* The present Swedish sickness insurance system is essentially the subsidization of private sick benefit societies (*sjukkassor*, often translated "sickness funds"). Such societies have flourished for several decades, and since 1891 have been subjected to increasing state supervision. Accompanying the supervision, however, come subsidies from both local and national governments. To eliminate the competition which formerly existed in certain sections between various sick benefit societies, the law of 1931 provided that there should be only one subsidized local society in each municipality. In addition to the local societies there are in every part of Sweden what are called central sick benefit societies, which operate over larger areas and which are responsible for group protection for prolonged and more serious illnesses. Under the law, every member of a local society must also be a member of a central society. Hence, in a sense, it would be true to say that the central society consists of a combination of local societies.

The benefits paid by the Swedish sick benefit societies are of two kinds: (1) medical treatment, and (2) a daily cash allowance during time of illness. When hospitalization is necessary, all costs are paid. Unlike the health insurance systems of Denmark and Norway, where membership is compulsory, the Swedish system has up to the present been entirely voluntary.

For some time, however, it has come to be the general opinion among the Swedish people that health insurance should be compulsory and in 1946 a law was passed which establishes the compulsory principle to take effect in 1950. Under this law hospitalization and health insurance are to be handled separately. As far as hospitalization is concerned every Swedish citizen is to receive free hospitalization in publicly owned and operated hospitals; and

practically all the hospitals in Sweden are owned and operated by the national government or by the municipalities. Basic medicines will also be furnished free and other medicines at reduced rates. All this will be paid for out of public revenues and will have no direct relation to the new health insurance program.

Beginning in 1950 health insurance will be compulsory for all Swedish citizens over 16 years of age. Benefits include: (1) three fourths of the necessary reasonable medical fees, (2) the cost of transportation to the doctor, and (3) per diem compensation during the illness. The patient is free to choose his doctor. The regular daily allowance during illness is 3½ kroner with variations based on occupation, sex, marital status, and number of children in the family. The regular payments may be augmented by the payment of additional voluntary premiums. The sick allowance may not be received for more than 730 consecutive days.

The organization of the new health insurance system will remain essentially as under the old system with the local sick benefit societies continuing to function. The managing officials of the local societies, however, will be selected by and be responsible to the municipalities in which they are located. Premiums will be collected as taxes, the amount of the premium varying with the financial condition of the local sick benefit society. Benefits are paid, however, to sick persons even though they have been delinquent in paying this special tax. The program is subsidized further out of the public treasury.

Maternity cases are included in the Swedish health insurance program but there are special benefits. Upon the birth of a child the mother is paid a sum varying from 125 to 400 kroner (on the average about 200). Proposals for amending the maternity aid program are being widely discussed. The proposals would broaden the program so as to include every Swedish woman. It also would provide for dental care and a daily cash allowance for from three to six months. Women gainfully em-

ployed would receive larger daily allowances and for longer periods than those not gainfully employed.

The national supervision of the Swedish health insurance system is in the Royal Pension Board which, as already indicated, has charge also of other types of social insurance.

The close and detailed government supervision given in Sweden to all matters of public health is placed in the hands of the Royal Medical Board (*Medicinalstyrelsen*) in Stockholm. Under its jurisdiction is the public physician assigned to each *län*. It is the responsibility of the *län* to administer public health laws and to care for the sick. Each *län* has a physician in chief who is in charge of other government employed doctors located in the county. At present Sweden has about 500 such doctors. These physicians handle nearly all rural medical cases which do not require specialists and are paid a salary. Consultation is free or on the basis of a very low fee. A total of over a thousand nurses and approximately the same number of midwives are employed by the various counties and work under the direction of the public county physician. The cities and other urban areas also employ physicians to take care of local medical care and sanitary problems. Maternity and infant hygiene clinics are made available in the several counties without charge. Each county also provides homes for the incurably ill, and four institutions, nationally owned, furnish homes for disabled persons. The county councils, with aid from the national treasury, are beginning to establish dental clinics to furnish dental services at low cost.

The Swedish government has for many years spent large sums for public health protection and probably as a direct result the health conditions and the medical standards of Sweden are exceptionally high. The government operates the National Institute of Health which engages in a many-sided program of research. The Swedish attack upon tuberculosis, venereal disease, and cancer, in which private and public resources have been joined, is

worthy of the most careful attention of those who are interested in public health administration. A shortage of physicians and dentists, however, presents a real problem—the solution of which is challenging the attention of Swedish health authorities. A special investigation committee of public officials has recently recommended that medical care be entirely nationalized within the next twenty years or less.

7. *Child welfare—Denmark.* Recognizing the social obligations to childhood, the Scandinavian countries have all made great progress in child welfare legislation and administration. In Denmark the various laws relating to child welfare were collected and modernized in the Public Assistance Act of 1933, which dealt also with types of public assistance other than those relating to children, and was designed to take care of cases not covered by the comprehensive social insurance systems. The Danish child welfare work, handled locally by the child welfare committee of the municipality, includes among other things: (1) the supervision of children whose parents receive public aid, orphans, and illegitimate children; (2) the supervision and guidance of parents and guardians where this seems necessary; and (3) sending children, when necessary, to public institutions. In some instances school children are provided with free meals. Maternity assistance and pensions to needy mothers, married, unmarried, or widowed, are provided. Costs for public assistance in Denmark are met one third directly by the municipalities and two thirds from an intermunicipal fund to which all municipalities contribute and which is redistributed in such a way that there is a leveling up as between the wealthier and the poorer municipalities.

8. *Child welfare—Norway.* Norway also has gone a long way in looking after children in unfortunate circumstances. A law enacted in 1915, with later amendments, is the basis for this program. The municipalities, under

the direction of the central government, exercise close supervision over foster children that are kept for pay by private families or in nursery homes. The state is especially solicitous of illegitimate children. Under the supervision of the local authorities the father must contribute toward the expenses of the mother during the period of pregnancy and must help maintain the child. Under the Norwegian law the child may take the name of the father or the mother. If paternity is denied, such a question is decided by a court after hearing.

Neither does the law overlook children born in wedlock. If home conditions are not acceptable, the children up to the age of 18 may be sent to nursery homes and boarding schools. Often meals are furnished to pupils in the public schools. An outstanding illustration is the famous Oslo breakfast, furnished to all pupils whose parents request it, regardless of home conditions. School physicians and dentists also contribute to the high standards of child health found in Norway.

In 1946 there was established a system of government subsidies to families with more than one child under 16 years of age. These subsidies, which amount to 180 kroner for each child under 16 (except the first child), are paid to all families regardless of income, occupation, or social status. These subsidies, which cover about 430,000 children, are paid seven eighths out of the national treasury and one eighth out of the municipal revenues.

9. *Child welfare—Sweden.* Like the other Scandinavian countries, Sweden has a comprehensive child welfare program. The first child welfare legislation was enacted in 1902, but the present program is based on the Child Welfare Act of 1924 with amendments, including one in 1934, which increased the age for those affected from 18 to 21. The child welfare work is in the hands of the child welfare committee of the municipality, made up of a member of the poor relief board, a clergyman, a teacher, and at least two other persons interested in child welfare.

At least one member of the board must be a woman, and often one member is a person trained in medicine. The work of the committee is largely of two kinds. (1) It includes taking charge of children for "protective upbringing." This work may be undertaken in the home under supervision, or the child may, if home conditions are not acceptable, be removed from the home. Foster children and orphans are also carefully supervised. (2) It includes also giving public care to needy sick and helpless children (under 16). The cost of child welfare administration is met by the local municipalities, which may try to collect from the parents if they are able to pay. Some contribution is also made by the national treasury. The Royal Social Board is the national agency which supervises child welfare activities.

Under the provisions of the Child Care and Youth Protection Act of 1945 the local child welfare boards were given comprehensive functions relative to child and youth care in the community. The act also regulates various child care institutions. The county council was made responsible for all children's homes including day-care homes for preschool children where the mother is gainfully employed. The new law provides for subsidies to the counties from the national treasury. Free dental clinics are furnished for all school children. For over a decade children from low income families and children of delicate health have been given a free school lunch daily, and a movement is on foot to extend this to all children.

A subsidy of 260 kroner per year is now (since 1948) paid out of the national treasury for each child under 16 in the family, regardless of family income. It is estimated that subsidies for 1,600,000 children were paid in 1948. In addition there are rent subsidies for large families with subsidies also to large families occupying their own homes. Free vacation trips for children under 14 is another interesting part of the Swedish child welfare program.

Like the other Scandinavian countries, Sweden gives especial attention to children born out of wedlock. The father is compelled to contribute to the mother prior to and after her confinement. If paternity is denied, the man may (since 1933) demand a blood test, of which in 1935 764 were made by the state laboratory. In about 14 per cent of the cases, the men involved were freed from the alleged paternity. All paternity cases are decided by court action in which the blood test, if made, is used as evidence.

Under Swedish law, a special guardian is appointed by the local child welfare committee for every illegitimate child, if possible even before the child is born. This special guardian (the *barnavårdsman*) may be a voluntary worker serving without pay or may be a person paid by the municipality. The guardian does not take the place of the parents, but sees to it that the child's parentage is established and in general looks after the welfare of the child until the latter attains the age of 18.

10. Agriculture. Recognizing the supreme importance of agriculture in the national economy, each of the Scandinavian countries has in various ways given aid to the farmer. The purpose of this aid was not so much to assist the farmers as a class but rather to serve the general public through the increased production of foodstuffs. The support given to the co-operative movement, discussed elsewhere, is largely support of agriculture, because of the very close relationship which exists between agriculture and the co-operative movement.

The Scandinavian governments are all very desirous of having the land owned by those who actually till it. Scandinavia has a comparatively low percentage of tenant farmers and conscious efforts are being made to keep this percentage from increasing. In Denmark there has long been legislation to aid the farmer laborer to become a landholder, and to prevent the large estates from buying up smaller holdings. The government makes loans up to

90 per cent of the value of small holdings (*husmandsbrug*). More than 90 per cent of Danish farmers own their land.

In Norway where only about 3 per cent of the total land area is under cultivation, it is natural that much attention is being given to the problem of increasing the arable area. During the last generation the Norwegian government has aided the already vigorous private movement toward reclamation and homesteading, with the result that about 50,000 new homesteads have been established, and it is predicted that additional new farms will be opened at the rate of 2000 per year for many years. The public treasury not only makes annual grants to semi-private organizations which have been set up to stimulate colonization on new land, but it aids directly by loans to finance the homesteader. Thus, the government has set up the Small Farm and Home Building Bank (*Småbruk og boligbanken*) which makes loans to the settler on new soil—without interest for the first five years and at the rate of five per cent after that. In addition the government may give the settler a grant to help him put up new buildings, and may even pay him for the time he uses in clearing the land. Government subsidies are also given to other farmers to stimulate improvements, such as drainage. In Norway as in Denmark the percentage of tenants on farms is low.

In Sweden too there is great interest in encouraging a large number of small farm holdings, occupied and operated by the owner. The vigorous movement which has had this objective in mind is known as *Egnehemsrörelsen*² (the Home Ownership Movement). In this movement the state has played an important part. For years a state-supported home ownership loan fund has, through local co-operative societies or through local municipalities, furnished long-term loans at low rates of interest to those

² This phrase is often loosely translated "the own homes movement," but in this discussion the term "home ownership" rather than the term "own homes" will be used.

who wish to acquire land and a home in the rural areas. The central administration of these loans is in the hands of the Home Ownership Board (*Statensegneahemsstyrelsen*) in the Department of Agriculture. In addition to the regular loans for buying lands and for erecting buildings, the government also makes loans to the new homeowner for making improvements, such as reclamation, with the understanding that the value of the improvements as completed be credited against the loan. Thus the improvement loan is really a state grant. The Home Ownership Board also has charge of improvement grants and construction loans made to those already owning homes, particularly outside the urban centers. Loans to farm workers for the erection of dwellings are also a part of the government loan program. About 150,000 rural dwellings have been built or reconditioned with the help of government funds.

Important agrarian reforms were provided for in legislation enacted in 1947 for the purpose of making agriculture as profitable in Sweden as other industries. Under the provisions of this legislation, which may prove to be, according to the Swedish minister of agriculture, the most important farm legislation in the history of the country, the government will be given priority rights to purchase farms offered for sale after tenants and certain relatives are afforded an opportunity to make the purchase. It also gives the government the right to expropriate land and forests from large private estates. The lands so acquired by the government will be sold to individual owners in such parcels as will make them profitable farm units. Generous loans to help such purchasers and other small-farm owners will, as before, be a part of the agrarian program, including, for example, loans for land reclamation and for the improvement of farm buildings.

The Scandinavian farmer with a mortgage on his land, in common with debtors everywhere, found himself in great difficulty during the depression years, with income decreasing but mortgage payments remaining the same.

In all the Scandinavian countries measures were taken to alleviate the distress of the debt-burdened agriculturist, and in fact other debtors as well. In each country special mortgage credit banks have been set up with government backing to ease the credit situation. Sometimes special provisions were made for adjustments in the case of those farmers who were hopelessly in debt. In Norway, for example, the Loan Bank for Farmers (*Lånekassen for jordbrukere*) was established to take care of bad farm debts. The Loan Bank tries to get the creditor to take a reasonable amount, or, if he refuses, forces a settlement, and then gives the farmer a loan for a new start. The original creditor usually keeps the reduced mortgage although in many cases he may receive a cash partial payment with money loaned to the debtor by the Loan Bank. The government loan to the debtor is interest-free for the first three years, with a 3 per cent rate after that, and no payment is required on the principal for the first five years.

11. Government aid to housing. The Scandinavian countries have long recognized the importance of proper housing, and in all three of them the government has given direct aid to home and apartment house builders. Much building has been done by co-operative associations, usually with government subsidies or loans or both.

A law enacted by the Danish Parliament in 1898 stimulated the organizing of many building associations which began to take advantage of the government loans to builders which had been available even before that date. Later the Danish government gave subsidies not only to co-operative associations but to municipal and to private building projects as well. These subsidies took the form of grants and of loans at low interest rates. By legislation enacted in 1933, 30,000,000 kroner were made available for building loans, to be handled by the Royal Danish Mortgage Bank (*Hypotek Bank*) which, since 1924, has been functioning as the administering agency for

housing loans. By this act and later acts housing legislation loans may be made to municipalities and co-operative societies up to 97 per cent of the total cost and to private owners up to 70 per cent (80 per cent if the municipality guarantees the loan). As a further stimulus to building, the municipalities are authorized to grant tax exemptions to new homes and housing projects.

In addition to help from the national government Danish homebuilders have also received aid from the local city government. Copenhagen especially not only has recognized housing co-operatives but has also gone into a municipal building program for itself, with the result that during the twenties more housing was being constructed by the city and by low profit co-operatives than by strictly private enterprises—the latter also receiving government help. More recently, however, private builders have been erecting a larger part of the new housing. Nevertheless, one fifth of the entire population of Copenhagen today lives in houses or apartment buildings out of the speculative market, by virtue of public or collective ownership.

Under certain conditions (beginning in 1938) rent subsidies are granted in Denmark to less well-to-do families in which there are three or more children under 16 years of age. The rent subsidy varies from 30 per cent of the rent for families with three children to 60 per cent for families with six or more children. In order to receive the subsidy the dwelling occupied must be suitable for a large family.

Denmark has taken definite steps also in the direction of slum clearance. Under Danish law the local authorities have charge of the clearance proper but the national government furnishes subsidies in the form of grants and loans to municipalities undertaking slum clearance.

The Norwegian government has, for many decades, recognized the importance of a modern vigorous housing program, and has done much to stimulate improved housing, both in the rural and in the urban areas. As the government participation in rural housing is discussed

elsewhere, under the topic of agriculture, we shall give our attention at this point to the housing programs in the cities.

Oslo particularly has been the scene of a rather remarkable building program. The Norwegian capital city started to build houses as a municipal project as far back as 1896, and already in 1911 had set up a separate housing bureau as a part of its municipal administrative machinery. By 1940 Oslo had one of the most comprehensive systems of municipal housing in the entire world. The claim is made that Oslo has taken care of the housing of its laboring classes more effectively than any other city. About 90 per cent of the population of the Norwegian capital live in houses owned by the city or by low-profit co-operatives receiving government subsidies. In other Norwegian cities also public aid is given to home and apartment builders. In the five largest cities it is reported that, for long periods, practically all housing (private projects included) was given official aid of some sort or another.

If we turn to Sweden we find that that nation also has long been alive to the necessity of stimulating and aiding a nationwide housing program. More than thirty years ago housing credit systems were set up to promote home-building. During the twenties not only loans, but grants to cover increased costs of building at peak prices were available to builders. Beginning in 1930 when the National Building Loan Office (*Svenska Bostadskreditkassan*) was established, the emphasis for some time was in making generous loans to stimulate private building activity. This program, in reality, was a part of the battle against unemployment. Because this program, including the development of co-operative housing, affected mostly the middle classes, and left the poorer classes ill-housed, the government in 1935 inaugurated a lending program which, with the co-operation of the municipalities had for its objective the stimulation of low-cost housing. Between 1935 and 1946 government loans were

made to about 25,000 dwelling units for large families, with the result that about one third of all Swedish families with three or more children were recipients of this special assistance. Special attention is also given to provide housing for old people.

It is in the field of housing that the government comes in close contact with the co-operative movement and it is through the co-operative housing organizations—the largest of which is known in Swedish as HSB (National Association of Tenants Savings and Buildings Societies)—that a large part of all housing projects is carried on. Forty-five per cent of all apartments for low-income large families have been built by HSB.

During the fiscal year 1946-1947 a total of 319 million kroner was loaned by the government for the stimulation of the construction and improvement of housing, and 39 million were granted in direct subsidies. During that year the Riksdag approved the basic principles of a long-term housing program with added emphasis on family units of at least two rooms and kitchen with modern improvements and including both new construction and the reconditioning of older buildings.

The National Building Loan Office, with broadened powers, will continue to be the central administrative office for the entire housing program, assisted as before by local governmental agencies. The National Office will also be responsible for the financing which formerly has been done by local home loan societies. The need for a continued program is evidenced by the fact that Sweden like many other countries is experiencing a housing shortage. In 1947 Sweden needed about 50,000 more dwelling units, 20,000 in Stockholm.

Like the other Scandinavian capitals, Stockholm has taken a great interest in housing. As early as 1879 Stockholm was lending money to co-operative housing societies and already in 1910 about one eighth of the dwellings in the metropolis were owned by the city or by nonprofit or low-profit co-operatives. The housing co-operatives,

guided as they are by social objectives, are very important in the building scene in Stockholm. In other Swedish cities also, the housing co-operative societies perform important functions in helping to make proper housing available to larger numbers of the people.

No discussion of the Scandinavian housing program would be complete without at least a mention of the so-called "garden cities" of Copenhagen, of Oslo, of Stockholm, and of other Scandinavian cities. "The garden city" (the *Haveby*) is a form of suburban resettlement. The city usually buys up areas on the outskirts and directly, or through aided co-operative societies, builds low-cost houses in an environment where plots of ground are available for gardening purposes for each family. Thus, Stockholm for example, had, by 1936, purchased over 20,000 acres of land, all less than ten miles from the center of the city. All of this is being used for suburban housing projects for the working classes. At first, the "garden cities" were developed for summer residences, but the emphasis is now on the construction of permanent all-year-round structures with much attention to architecture and landscaping.

In Oslo, the first "garden city," Ullevål, was built nearly thirty years ago. The buildings constructed by the city have been sold to a co-operative housing society with the city retaining the ownership of the ground. All the other garden cities of Oslo and vicinity are owned—often including ownership of the land—by co-operative societies. Residents are compelled, under threat of a fine by the society, to give their respective gardens proper attention.

Danish cities have also, in many instances, developed or encouraged the development of "garden cities," sometimes by furnishing the ground free of charge, at other times by laying out and subsidizing model suburban units. The city budget of Copenhagen, for example, carries an item for a subsidy in support of swimming and bathing facilities in a suburban "garden city."

12. *The co-operative movement.* No feature of Scandinavian life has attracted more worldwide attention than the co-operative movement. This attention is entirely justified because the co-operative societies of the three countries both in the consuming and in the producing field are of vital importance in the economic life of Scandinavia. Furthermore, the net effect of the co-operative activities in these three democratic nations seems, in general, to be so beneficial that other democracies may well take time to study rather carefully the Danish, the Norwegian, and the Swedish co-operatives.

In spite of the unquestioned importance of this movement, we shall not go into a detailed discussion of it, for the reason that the co-operatives are, on the whole, private business ventures in which the state, as a general thing, does not participate. This does not mean that there is no causal relationship between economic activities and economic conditions on the one hand and governmental agencies and functions on the other, but rather that because of limited space we must confine ourselves in this volume to the part directly played by the state. Neither does it mean that there are no direct relationships at any point between the state and the Scandinavian co-operatives for, as will be pointed out below, such relationships are occasionally found—as for example in the state subventions given to co-operative housing. Even here, however, it is fair to say that the subvention is given to housing rather than to the co-operatives as such. Then it is also true that the governments of the three countries have, in general, and especially in the last few years, been very sympathetic toward the co-operative movement and have, both by official and unofficial action, given aid and comfort to it.

Regardless of its place in the governmental setup the co-operative movement is important enough, however, that we must in barest outline present its essential features, and in so doing we shall also indicate the few points at which there are direct relationships between the co-

operatives and the government. Putting it briefly a co-operative society is organized for the purpose of buying, selling, or producing goods at the lowest possible cost, including, if possible, the elimination of the middleman. The society is controlled and its property owned by the members, and any profits are usually distributed among the members in proportion to the amount of business which each has transacted with the society.

13. *Danish co-operatives.* While Denmark has widely organized consumers' co-operatives (*Brugsforeninger*) it is in the field of production and selling that the Danish co-operative movement is distinctive. In the consumer co-operatives the membership is largely from the farm population in contrast to other countries where the laboring class makes up the bulk of such membership. The production and selling co-operatives are also made up almost entirely of farmers. In other words the Danish co-operative movement is virtually an agricultural one.

Over 1400 co-operative dairies with about 190,000 individual members and 60 co-operative slaughterhouses for the production of bacon with about the same number of members; 800 egg marketing associations with 50,000 members; 12 cattle exporting societies with 11,000 members; about 1400 societies for the production of cattle feed, with over 90,000 members; nearly 1500 fertilizer supply associations with 55,000 members; and 1700 animal breeding control societies with 54,000 members make an impressive showing in a country where the total number of farming properties number only about 200,000. Many members of the co-operatives are heads of families—which means that the number of persons dealing with the co-operatives is much larger than the total memberships would indicate.

The selling and production co-operatives are of two kinds: (1) *Landboforeninger* (agricultural societies) and (2) *Husmandforeninger* ("small holders" societies). The latter is made up of the holders of properties almost

too small to provide a complete livelihood by agriculture alone. The small holders societies are much more numerous than the other type but the average number of members per society is very much smaller. The co-operatives for breeding control receive annual grants from the state treasury for the purpose of stimulating experimentation. Aside from this, there is no direct government aid to the Danish co-operatives. It should be borne in mind, however, that the excellent system of agricultural education furnished by the state has been a potent, though indirect, stimulus to the movement.

14. Norwegian co-operatives. The most important Norwegian producers' co-operatives are those dealing with milk and dairy products, meats and eggs. It is in the co-operative marketing of milk that Norway has been especially successful. In fact it is claimed that she is the pioneer among the nations in this line of endeavor. The country is divided into eight districts in each of which there is a co-operative milk pool (*melkesentral*). These eight pools are organized into a national milk producing association, whose important task it is to make adjustments as to the prices received by the different pools. Similarly in each pool adjustments are made between individual producers. All of these adjustments are made according to a complicated formula which, among other things, seeks to distribute some of the higher receipts for fluid milk in the cities to the producers in rural areas who send milk at lower prices to creameries and cheese factories.

The government has stepped into the milk-control picture with legislation which recognizes the milk pools and permits them and the national association to exercise great powers of price fixing. No pool may operate, however, unless at least a majority of the producers in the district voluntarily become registered members. A large percentage of all milk sold is delivered to the milk pools. Naturally there has been opposition from the

larger dairies in the urban areas, but the objection has been to details of the procedure rather than to the general principle of co-operative milk marketing. Much older than the milk pools are the co-operative creameries which have been in existence more than sixty years, and which are a very important part of the larger milk marketing program. At present 99 per cent of all the creameries of Norway are owned and operated as co-operatives (the word "creamery" is here used to mean plants where dairy products including cheese are produced) and the national organization of these co-operative creameries has done much to increase the demand for Norwegian dairy products both at home and abroad.

Seventy-five per cent of the Norwegian farmers who raise cattle and hogs are members of the co-operative meat-marketing pool, whose functions include the furnishing of cheaper meats at low prices to the various counties for use in relief work. This pool organized in 1931 has as a background the large number of co-operative slaughterhouses which had already been in existence for at least two decades before that. Egg and poultry producers are also organized into eight co-operative marketing pools, which in turn are united into a national organization. Only about 25 per cent of the egg production is distributed by co-operatives, but the prices for eggs are set by regional committees, made up of three representatives of the co-operatives, three from other egg producers, and a chairman representing the government. Here is another instance of the state giving encouragement to the co-operative movement.

A few years ago Norway was importing meat and eggs; now both commodities are exported, and the cause for this change is attributed by many observers to the inauguration of co-operative marketing on a national scale. In numerous other fields of production such as wool, lumber, berries, and silver fox furs, there are also producers' co-operatives, but in none of these has the movement spread as far as in milk, meat, and eggs. In connection with

these three commodities, mention should be made of the recently organized Marketing Board (*Omsetningsrådet*) made up of (1) one representative of each of the three national pools (milk, meat, and eggs), (2) one representative from the consumers' co-operatives, (3) one from the national merchants association, and (4) one each from various agricultural societies. This board is authorized to levy a small fee on commodities marketed, and the amount thus raised is augmented by taxes levied on stockfood and oleomargarine, the proceeds of which are turned over to the board. These funds are used in various ways by the board to assist in its regulatory functions. This board is a private agency but its activities are subject to the control and supervision of the minister of agriculture.

Another point at which the state is interesting itself in producers' co-operatives is among the fishermen. With the exception of the herring fisheries, the fishermen have not developed co-operatives to the extent that the agriculturist has.

The Norwegian people have also developed the consumers' co-operatives. It is estimated that more than half a million people, probably one half from the laboring group, are regular customers of stores operated by these societies. The National Co-operative Union (Norges Kooperative Landsforening, known as NKL) which is a federation of local co-operatives, also engages in a certain amount of productive activity. Shoes, soap, flour, and electric bulbs are among the commodities produced. Many of the local societies also produce goods which go directly to the co-operative stores to be sold. Figures released by the NKL at the close of 1947 show a great increase in the Norwegian co-operative movement since the close of the war. At that time the number of member co-operatives totaled 1081 as against 835 in 1945. The total gross sales of the co-operatives affiliated with NKL in 1947 were approximately double those of 1945. A radio factory in Oslo and a clothing factory in a smaller

town were among the enterprises established during 1947. During that year NKL had over 1300 sales outlets and nearly 6000 employees.

In addition to the above there are hundreds of local independent consumers' co-operatives which are not nationally organized but which help to swell the amount of business done by the co-operatives in Norway. Of importance also are the six *innkjøpsforeninger* (purchasing unions) representing nearly 200 local co-operative societies, whose objective it is to enable farmers to secure fertilizers, seeds, stockfood, machinery, and so on, at the lowest possible prices.

The Norwegian government has been very friendly to the co-operative movement. The state-supported agricultural schools actually train men in the principles and practices of co-operation and the local agricultural agents, paid by the public, also use their influence in favor of the co-operative movement. It is estimated that about 40 per cent of the Norwegian population regularly patronize the consumers' co-operatives. Their housing co-operative projects are discussed under the topic Housing.

15. Swedish co-operatives. The Swedish producers' co-operatives are found largely but not entirely in the field of agriculture. As is the case in Denmark and in Norway it is with dairy products, meats, and eggs that they are mostly concerned. Much of the lumber and firewood produced in Sweden is also sold by co-operative associations.

Almost 100 per cent of all Swedish farmers who have something to sell belong to one or more of fourteen co-operative associations, which have members in all parts of the country. All of these co-operative associations are members of the Federation of Swedish Farmers Association, which includes some agricultural purchasing and consumer co-operatives as well as the producers co-operatives. In fact, some of the agricultural co-operatives are in part marketing and in part consumer co-operatives. About 95

per cent of the milk, 80 per cent of the animals for slaughter and 65 per cent of the cereals and eggs are handled by the various co-operatives who own and operate 700 dairies, 60 slaughterhouses and meat-packing plants, and a large number of storage plants and elevators, whose total value is more than a half a billion kroner. The government pays the salaries of a number of trained dairy consultants whose duties relate entirely to the work of the dairy co-operatives. These consultants serve under the direction of the co-operatives.

Partly outside the field of agriculture, though related to it, are the thirty or more co-operative factories which produce automobile tires, electric bulbs, chinaware, grain fertilizers, agricultural machinery, etc. All the local manufacturing co-operatives are combined into the Swedish Cooperative Union (*Kooperativa Förbundet*, known as KF). In 1947 they had an output valued at over 300 million kroner. Belonging to KF are also the hundreds of consumer co-operatives.

Consumer co-operatives play a most important part in Swedish economic life. In 1934, there were about 800 local consumers' societies (*konsumtionsföreningar*) with a total membership of between five and six hundred thousand. Of these societies, about two thirds were in the rural districts. Some of the cities have large societies, the one in Stockholm, for example, having over 75,000 members. It is thus evident that the consumer co-operatives, in no sense, can be said to be limited to the farm classes. Over 90 per cent of the local societies are members of KF, which has been in existence nearly fifty years, and which, in the twenty years from 1914 to 1934, increased its business sevenfold with a turnover of nearly 400 million kroner in 1934.

In addition to the ordinary societies, a number of insurance companies are also members of the Swedish Co-operative Union. One of these insurance co-operatives called the People (*Folket*) listed nearly 400,000 policy holders in 1947. Another called Cooperation (*Samar-*

bete) carried casualty insurance including fire and accident covering more than a million individuals. Figures show that this insurance co-operative wrote 40 per cent of all accident insurance and had more policyholding members in fire insurance than any other insurance organization.

The KF maintains a training school for those who expect to work in the co-operative movement and this, together with the training work carried on by the local societies, constitutes an important educational program.

In the last decades there have been formed hundreds of co-operatives for the distribution of electricity. Co-operatives have been active also in the field of housing but this activity has already been discussed under the topic "housing." Except for the housing co-operatives none of the Swedish consumers' co-operatives receives any direct aid from the state, although as in the other Scandinavian countries the government has, especially in later years, been very friendly to the whole movement.

The membership of the Swedish consumer co-operatives includes all classes of citizens. Thirty-six per cent are industrial workers, 20 per cent other workers, 20 per cent farmers and farm laborers, 15 per cent professional people, and 9 per cent tradesmen and shopkeepers. One family in three belongs to a co-operative. KF now has 706 branches (of which 675 are consumer co-operatives) and operates a chain of over 7000 retail stores in all parts of the nation. The co-operatives are very prominent in the retail grocery trade. In Stockholm in 1947, for example, the co-operative food stores handled about one fourth of the grocery business in the city.

In all of the three countries, the co-operative movement has included the provision of credit. Especially is this true in Sweden where nearly 800 agricultural credit funds are found. Many of the Scandinavian co-operative societies are members of world-wide international co-operative organizations, and the relationship between the societies of the three northern countries is frequently very close. Sometimes a co-operative crosses the national

boundaries. An excellent illustration of this is the famous Northern European Luma Cooperative Society with members in Finland as well as in Denmark, Norway and Sweden. Luma is engaged in the manufacture and distribution of electric light bulbs and has been a formidable competitor in the international market.

16. The control of intoxicants. Scandinavia has been the scene of some interesting developments in the field of prohibition and other forms of liquor control. Norway and Sweden, respectively, have systems which involve detailed government supervision and the Swedish system of limited consumption especially has drawn worldwide attention.

In Denmark, the liquor problem has been approached, at least as far as the government is concerned, mainly through heavy taxes on alcoholic beverages, together with regulations concerning their sale. The number of places permitted to sell intoxicants is limited by law. Entirely aside from governmental action Denmark has a very vigorous temperance movement, with nearly 120,000 persons pledged to abstain from spirituous liquors. The results of the heavy taxes and the abstinence movement are shown in marked decreases of the per capita alcohol consumption. Today Denmark's per capita alcohol consumption is one of the lowest among all the countries of the world.

17. Liquor control in Norway. The Norwegian temperance movement originating over a century ago was responsible as early as the middle of the twentieth century for many restrictive legislative measures regarding alcoholic beverages. Ever since, Norway has had much legislation concerning intoxicants which are defined as all beverages with an alcoholic content of more than $2\frac{1}{2}$ per cent by volume.

During World War I the government provided for the temporary prohibition of the import, manufacture and

sale of spirituous liquor and wines with more than 15 (later 12) per cent of alcohol. In 1919 the Storting called for an advisory popular referendum to determine whether prohibition should be made permanent, with the result that by a popular vote of 487,999 to 304,207 the electorate expressed itself in favor of such prohibition. The policy of refusing to import liquors and strong wines soon led to international difficulties with the wine-producing countries and made it necessary for the Storting to discontinue the embargo in 1923. This situation, together with problems arising from illicit distilling and the difficulty of preventing smuggling along the extensive fiord-indented Norwegian coast line, resulted in the appearance of much popular criticism of prohibition and in a demand for another referendum. In response to this demand another advisory plebiscite was held in 1926 at which 531,084 votes were cast against, and 423,031 votes for, the continuance of prohibition. As a result of this expression prohibition was discontinued in 1927, and since that time Norway has had a system, the essential features of which consist of: (1) a state monopoly for the manufacture and sale of spirits and wines, and (2) local option for local sales.

With the abolition of prohibition the Wine Monopoly (Vinmonopolet), was given the exclusive right to produce and sell spirituous liquors and wines. The Wine Monopoly first established in 1922 as a private corporation, was reorganized in 1932 in such a way that the private stockholders now have no control. The corporation, which is under the supervision of the Department of Social Affairs, is managed by directors and officials selected by the government and receives a permit, renewed annually, which gives it the sole right to produce and sell wines and liquors. A number of private stills have been permitted to produce raw spirits which are turned over to the Wine Monopoly for further distillation.

The retailing of spirituous liquor is done in one of two ways: (1) through local branches of the Wine Monopoly

and (2) through a local company called the *samlag* (literally society or association) organized in a community for the purpose of selling intoxicants. The *samlag* is managed by a board of directors only, the minority of which are chosen by the private stockholders, the majority being selected by the minister of social affairs and by the local authorities. The *samlag* became an established Norwegian institution by law in 1871 and hence is much older than the Wine Monopoly. There is, however, some agitation for giving the Wine Monopoly direct charge of all retail trade. The Wine Monopoly now sells wholesale to the *samlag* and retails through its own shops. The Wine Monopoly as well as each *samlag* are limited dividend corporations.

No store retailing intoxicants, be it a branch shop of the Wine Monopoly or a *samlag*, may be operated in any municipality without the consent of the locality. Under no circumstances must any beverage be sold containing more than 60 per cent alcohol. On the other hand, no local regulations may prevent the selling of beer or ale with less than $2\frac{1}{2}$ per cent alcohol by hotels, restaurants, and so on. The sale of such low-content beers and ales to be consumed away from the premises is, however, subject to local control. This means that even beer, which is considered nonintoxicating, is subjected to regulation not deemed necessary for beverages entirely nonalcoholic.

The laws regarding local option classify intoxicants into two classes: (1) spirituous liquor and (2) wines and beer; and there are some differences in the provisions relating to the two classes. The sale of spirituous liquor may be permitted only in cities of 4000 or over and only after a popular referendum approving such action. Such approval is binding upon the community for six years and when a community goes "wet" the local authorities must provide for the licensing of liquor sales, either through a branch of the Wine Monopoly or through a local *samlag*. The liquor referendum is initiated by a petition of 5 per cent of the voters and if no referendum is demanded at

the end of the six-year period the locality continues "wet" for another six-year period. The local permit may be limited to sale for consumption on the premises, to sales of liquor to be carried away for consumption elsewhere or to both. The right to serve liquors to be drunk on premises may be exercised by the local shop or *samlag* through a hotel or restaurant. Of the thirty Norwegian cities of 4000, or over, only fifteen have licensed the sale of spirits.

No referendum is required for wine and beer and the permit to sell and serve these beverages is granted by the local council of the city or of the *herred*. Such permit may be granted not only to a branch of the Wine Monopoly or to a *samlag* but also to a responsible private individual.

Persons living in "dry" areas may order intoxicants from outside the locality and have them delivered.

18. Liquor control in Sweden. The temperance movement has long been an important factor in Swedish life. Initiated over a century ago it has through the years wielded great influence upon legislation in the liquor field and today the various Swedish temperance societies (of which the Order of Good Templars is the largest) have a total adult membership of nearly a quarter of a million. As long ago as 1909 the Swedish parliament introduced temporary prohibition during the general strike of that year, and, in an unofficial referendum carried on in the same year by the temperance organizations, public opinion was found to be overwhelmingly in favor of permanent prohibition. Following this showing, however, the government established a temperance commission under whose leadership the liquor laws were greatly modified in the direction of more restrictions on the liquor traffic. The commission recommended total prohibition but this proposal was voted down in 1922 in an advisory, though official referendum, when in a close contest 889,132 votes were cast for prohibition and 925,097 against. The fail-

ure to adopt prohibition at that time as well as since is perhaps largely due to the satisfaction with the Bratt System of liquor control. This system takes its name from a Swedish physician, Dr. Ivan Bratt, who more than forty years ago took the lead in championing a method of control somewhere between complete prohibition on the one hand and *laissez faire* on the other.

Under Swedish law spirituous liquor is any liquor not derived from malt or wine with an alcoholic content of more than $2\frac{1}{4}$ per cent by volume. Wine is defined as fermented plant juice above the same limit of alcoholic content. The beer traffic is not included in the Bratt System, but the sale of all malted beverages containing alcohol above 3.2 per cent by weight is prohibited. Beer between 1.8 per cent and 3.2 per cent is sold under definite government regulations. The system companies mentioned below in connection with the hard liquor setup may also retail beer. Beer is not looked upon officially as an intoxicant and yet its use is bitterly fought by the abstinence forces and legally its sale is hedged about in ways not prescribed in connection with nonalcoholic beverages.

The present Swedish system of liquor control is under the direction of the National Control Board (*kontrollstyrelsen*) under the Ministry of Finance. The wholesale trade is handled by a limited dividend corporation, *vin och spiritcentralen* (Wine and Spirits Control), and no Swedish producer of intoxicants may sell his products within the kingdom except to this corporation. The retail trade is carried on by a number of specially constituted companies—also with limited dividends—called *systembolag* (loosely translated “system companies”). There were in 1935, 122 such companies and of these, 96 were in the cities. This means that of the 116 cities only 20 were without a local liquor-distributing company. Twenty-one of the system companies were located in the villages and small towns and five in the rural districts. Application for a charter as a system company is made to the governor of the county in which the company proposes

to operate. The governor, after examination, submits the application together with the proposed charter to the city, village, or parish and the local council may accept, reject or modify this charter. This means, in effect, local option, in that no retail company may operate except with the approval of the local authorities. When a charter is granted the company possesses, for the term of the charter, which is usually three years, the complete monopoly of the retail sale and service of spirits and wine. While the company must itself sell directly it may delegate to hotels and restaurants the right to serve liquor with meals. Exceptions to this monopoly are liquors served on trains and passenger boats, for which special rules apply.

The outstanding feature of the Bratt System is of course the great amount of control exercised over the individual purchaser. No person may buy liquor at a retail shop unless he is registered and in possession of a pass book (*motbok*), in which all purchases are recorded. In 1946 about one fourth of the population of Sweden held pass books. The amount of spirits and wine to be allowed each individual is determined in part by the provisions of the charter of the particular system company and in part by the local temperance board (the *nykterhetsnämnd*), which is appointed by the local councils. If no such board is appointed its duties are carried on by the poor relief board. No one may purchase more than three liters of spirits in one month. Sale to minors, confirmed drunkards, and convicted bootleggers is prohibited. Within these limits the details as to the local sale of wine and spirits is in the hands of the locality. Very frequently the maximum of spirits purchases is put below the three liters. Many localities limit also the amount of wine which may be purchased. The local temperance board has broad powers in these matters. The general philosophy of the system is to have great flexibility within the limits of the law, and the monthly allotment varies with age, sex, domestic status, and so on, but never above three liters of

spirits per month. The limit originally was four liters.

Wines and spirits are not available in eating places except by purchasing food and, as intoxicants are sold very cheaply under the Bratt System, there are few complications because of restaurant and hotel sales. There exists, however, some smuggling and bootlegging, which indicate that the problem of liquor control is not entirely solved even under the very efficient and well-directed Bratt System. It is charged by some that the practice of issuing pass books preserves the drinking habit instead of restraining it. The champions of the Bratt System (and these champions seem to have wide popular support) point on the other hand to the reduced per capita consumption of intoxicants as an evidence of its success. Regardless of any weaknesses in the system it is likely to be retained because of the admitted difficulty of finding a satisfactory substitute. There is, however, a specially constituted commission studying the whole problem of liquor control.

The Swedish people recognize the treatment of alcoholics and the protection of their families as matters of community responsibility. The local temperance boards co-operate with the individual family in these matters even placing the habitual drunkard under the personal care of a representative of the local temperance board. Sometimes he is persuaded to join a temperance society. If necessary, the man is sent to a special home for alcoholics for treatment. Assistance is also given during the period of adjustment following the discharge from such a home. There is a definite effort being made to enlist the co-operation of the medical profession in combating alcoholism and new methods of treatment are being used experimentally in various hospitals. The national treasury assists in the maintenance of homes for alcoholics and gives financial assistance to the local temperance boards.

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